Benchmark 1986

Annual Report Of The South Dakota Unified Judicial System

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South Dakota Unified Judicial System

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The Honorable Chief Justice and the
Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

As part of our continuing effort to provide the people and the government agencies of the State of South Dakota with information relating to the Unified Judicial System and its programs, I respectfully submit herewith our annual report.

The report covers general judicial system activities for calendar year 1986, and statistical information for fiscal year 1986. In addition to the usual descriptive material on the component offices of the court system, statistical data has been added this year to show the most common traffic offenses, and the revenue received for each.

We acknowledge our gratitude to the clerks of court and court services officers throughout the state who submitted most of the data contained herein, and the staff personnel who cooperated in the compilation and publication of the report.

Respectfully submitted,

Mark G. Geddes
State Court Administrator

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT

Hon. Frank E. HENDERSON Justice, First District

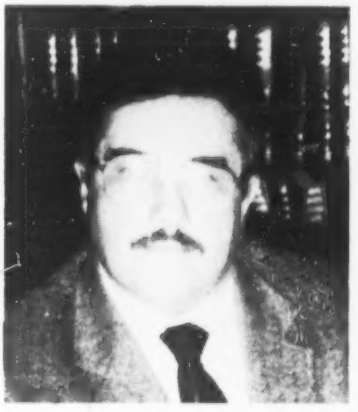
Hon. Jon FOSHEIM Justice, Third District

Hon. George W. WUEST Chief Justice, Fifth District

Hon. Robert E. MORGAN Justice, Fourth District

Hon. Richard SABERS Justice, Second District

Justice Jon Fosheim retired From the Supreme Court in December, 1986; Justice Miller was appointed by the Governor to fill the vacant position.



Hon. Robert A. MILLER Justice, Third District

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Unified Judicial System 1986

Supreme Court Changes

Calendar year 1986 was a very active one for the appointment of new justices on the Supreme Court. The year began with the installation of two new appointees (Justice Wuest in January; Justice Sabers in February), and ended with the installation of a third (Justice Miller in December). In addition to these three new members appointed to the Court during the year, Justice Henderson won his retention election in November.

Chief Justice George Wuest, a former presiding circuit judge, and Justice Richard Sabers, who was previously in private legal practice in Sioux Falls, began their three-year Supreme Court terms as noted above. Then, upon the completion of Chief Justice Fosheim's term in that position, Justice Wuest was elected by the Court to a four-year term as the new Chief Justice. In December, Presiding Circuit Judge Robert A. Miller was appointed by the governor to fill the vacancy being left on the Court by the retirement of Justice Fosheim.

Other Changes in the Court System

In addition to the new appointments to the High Court, there were also a few changes among the ranks of the circuit judges, including the appointment by the Chief Justice of new presiding judges in the second, sixth, and eighth circuits. New presiding judges had been appointed during the previous year in the fourth and fifth circuits.

The new presiding judges in the second and eighth circuits are Judge Gene Paul Kean and Judge Warren Johnson, respectively. Upon the appointment of Robert A. Miller to the Supreme Court in December, Circuit Judge James W. Anderson was appointed by the Chief Justice as presiding judge in the sixth circuit.

The vacancy on the sixth circuit bench left by Judge Miller's elevation to the High Court was filled by the Governor's appointment of Steven L. Zinter to that position. Other new circuit judges installed during the year are David E. Gilbertson, appointed by the Governor in March to replace Mildred D. Ramynke, who retired in December 1985; and Ronald K. Miller, appointed in May to replace George W. Wuest.

In addition to the changes in the judicial bench during the year, there was a major reorganization of personnel positions throughout the court system in response to the report of a special committee of circuit court employees.

Also, the Court's Blue Ribbon Citizens' Committee, which was appointed in 1985, submitted its final report, recommending changes in the structure and staffing of the judicial circuits. A hearing on the many recommendations is expected to be held in early 1987.

All of the items mentioned above indicate that 1986 will probably be remembered as a year of major change on the Supreme Court of the state, and in the personnel structure of the judicial system as a whole. The installation of three new members of the Court, coupled with the election of a new Chief Justice, may indicate new directions in the administrative management of the Unified Judicial system in the years to come.

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed by the Governor from judicial districts and subject to statewide electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, and administrative control over the Unified Judicial System.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-five judges, who are elected at-large from within their respective circuits for an eight-year term. Vacancies filled by Governor's appointment.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. This function is usually performed by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, appoint counsel, accept pleas for class-two misdemeanors, conduct hearings for petty offenses, and render judgments for uncontested civil cases involving damages of $2000.00 or less.

Law-Trained Magistrate:

Licensed attorney, appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

The Court Structure

The judicial system of South Dakota, as shown in the chart on the previous page, is comprised of two component levels of courts having interrelated jurisdictions. The circuit courts are the lower courts of original jurisdiction through which the bulk of the criminal prosecution and civil litigation is processed. The Supreme Court, in addition to its own areas of original jurisdiction, provides the administrative leadership for the legal and judicial system, and serves as the state's appellate court. This means that problems the litigants have with decisions made at the circuit court level are brought, as appeals, to the Supreme Court for resolution.

The circuit courts employ magistrate courts to assist in processing misdemeanor cases (mostly traffic and DUI) and less-serious civil actions such as small claims.

The courts, and the administrative apparatus of the judicial system, are described in further detail in the material following.

Supreme Court

The Supreme Court is the state's highest court and the court of last resort for state appellate actions. It is the final judicial authority on all matters involving the legal and judicial system of South Dakota. In considering state issues, however, and in making decisions about cases received from parties appealing circuit court actions, there are a few restrictions on the authority of the Court. The justices, for example, are generally expected to follow precedent--that is, their own previous decisions (although with some allowance for redirection.) Also, there are the constraints placed upon the Court by the State and Federal Constitutions, by statute law passed by the legislators, and by decisions of the Federal Courts.

When a case, or an issue, meets the general criteria for consideration, the Court's judgment--to affirm or reverse a lower court decision, for example--is based on a majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to the justices by lot. Also, all of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The working term of the Supreme Court extends the full calendar year. The sessions are usually held in the hearing room in the State Capitol, or in those cities, or college campuses, that the Court may specify by its own order.

Membership and Appointment

The five members of the Court (four justices and a chief justice) are responsible for making collegial decisions regarding appellate cases and other judicial business. It is not unusual, however, for one of the judges from the circuit court to be assigned to sit on the Supreme Court bench temporarily to assist in the decision-making process.

Such appointment may occur when a justice disqualifies himself because he might have, or appear to have, personal involvement in a case, or if there is a vacancy on the Court caused by the illness or departure of a justice.

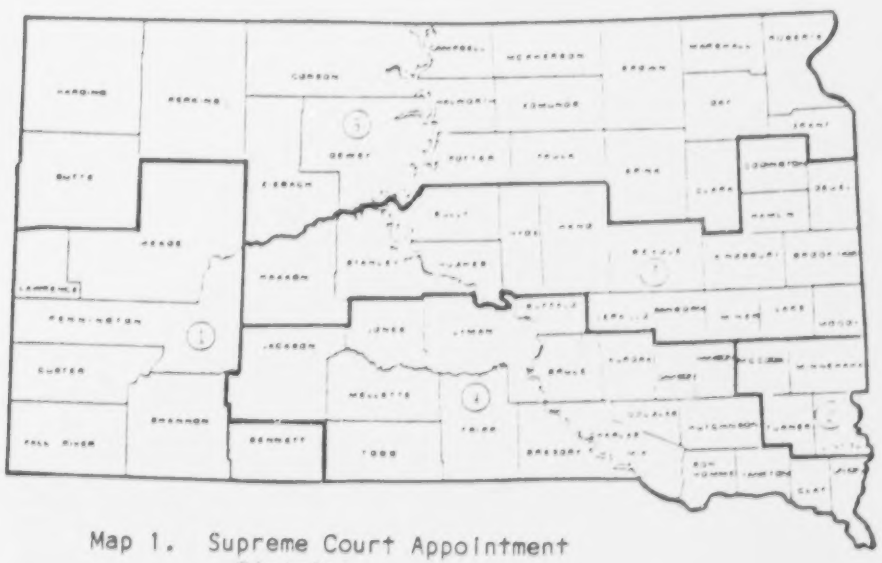
All of those who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district (see Map 1) to which they are appointed at the time they take office. There is no formal age requirement for those who serve on the Court, but there is a statutory requirment that a justice must retire shortly after reaching the age of seventy. A retired justice, if he makes himself available, may be called back into temporary judicial service in any of the state's courts.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates recommended by the Judicial Qualifications Commission. All Supreme Court justices must stand, unopposed, for statewide approval or rejection by the electorate in a retention election. For newly-appointed justices, the vote is held at the next general election following the third year after appointment; for incumbent justices who have been elected under the earlier system, the vote is held at the end of their existing eight-year term. After that, all justices stand for retention election every eighth year.

Justice Henderson, elected from district one, began serving his term in 1979 and was retained in the November, 1986 election. His next retention election will be held in 1994. Chief Justices Dunn and Fosheim, also elected in 1978, from districts two and three, respectively, have both retired after several years of honorable judicial service.

In districts four and five, Justices Robert Morgan and Roger Wollman were elected for eight-year terms beginning in 1977. They were retained in the 1984 election. Justice Wollman resigned from the Court when he was appointed to the U. S. Court of Appeals in the Summer of 1985. The next retention election for Justice Morgan is in November of 1992.

Justices Miller and Sabers, and Chief Justice Wuest, from the third, second and fifth districts, respectively, were appointed in 1986 and will participate in their first retention election in 1990.



Map 1. Supreme Court Appointment Districts

Jurisdiction

The original jurisdiction--as contrasted with appellate jurisdiction--of the Court extends generally to all issues involving the interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate jurisdiction of the Court, by which the justices hear appeals from decisions of the lower courts, constitutes the largest portion of their workload. This appellate control insures adherence by the circuit judges to accepted principals of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervising the licensing of attorneys as members of the State Bar, and for deciding questions involving the removal of attorneys from professional practice in the state. The discharge of these duties requires that the Court establish a code of conduct regarding appropriate behavior of the members of the legal community, and hold disciplinary hearings to consider violations of these guidelines. Through this process, the Court is able to exercise control over the professional conduct of the attorneys of the state.

Administrative authority over the judges and justices of the court system is exercised by the Supreme Court, assisted by the Judicial Qualifications Commission, which is discussed on the following pages.

The administrative rule-making power of the Supreme Court also applies to lower court practice and procedure, encompassing such judicial items as the regulation of civil litigation and criminal prosecution, and the Rules of Appellate Procedure. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes general management and supervision of the Unified Judicial System, which occasionally involves the modification of the number of circuit court judges and boundaries of circuits.

Some rules recently issued by the Court include the clarification of procedures for appellate settlement conferences to provide for simpler disposition of appeals before a conferee; adjustment of the process for obtaining and using evidence, including telephone depositions; the requirement for inclusion of social security numbers in divorce filings; and the provision for victim's comment before sentencing in criminal cases.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations governing official travel, and for training, of the personnel in the Unified Judicial System.

In addition, the Court may appoint such personnel as may be appropriate to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judiciary process. The Court is assisted in this role by the State Court Administrator, the staff in his office, and the presiding judges.

Settlement Conference

The appellate settlement conference is an innovation recently introduced into the South Dakota appeals process to provide for disposition of part of the Court's workload by a Court-appointed conferee. This conferee, meeting with the parties to the appeal, attempts to facilitate a settlement between them, or to clarify the main issues of the appeal.

This process provides an alternative method of disposing of an appeal by having the parties involved--usually through their attorneys--meet in their own locality and attempt to reach an agreeable settlement without requiring a decision by the Supreme Court. Docketing statements that are filed with the appeal indicate the willingness of the parties to participate in a conference. These are screened by the Court's staff attorneys, who select those that seem most amenable to settlement by the conference process.

This process helps conserve the resources of both the litigants and the Court. The litigants save part of the normal expenditure for legal briefs, transcripts and attorney's travel costs, as well as the expense saved by the reduction of the attorney's time spent in preparation for, and presentation of, an oral argument before the Supreme Court. The Court saves time usually spent in researching the case and preparing an opinion

Settlement conferences may be properly requested only by parties appealing from lower court decisions that involve money judgments, domestic relations cases, workmen's compensation, or administrative agency decisions. A conferee, however, may invite participation, if it seems appropriate, by the parties to any civil (non-criminal) appeal.

Each conferee--usually a retired judge or justice, or an attorney who has special background--is appointed by the Court to deal with a specific case. The conferee is expected to be aware of relevant Supreme Court decisions, and to have the skill to analyze the issues involved and present suggestions for effective settlement.

During the four-month period from July 1 through November 5, 1986, there were 82 appellate docketing statements filed. Of these, there were 29 requests for settlement conferences, 16 of which were not eligible. Of the 13 appeals for which conferences were scheduled, 4 had been conducted during the time period, resulting in two settlements.

Supreme Court Data

The information on Table 1 is presented graphically on Chart 1. In the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986
FILINGS	363	406	371	375	395
Appeals	300	317	296	291	314
Intermediate Appeals	28	38	23	12	28
Original Proceedings	19	17	18	38	30
Notice of Review	11	30	30	29	19
Miscellaneous Filings	5	4	4	5	4
DISPOSITIONS	372	399	391	369	419
Opinions/Cases	190/228	212/248	190/235	183/223	207/252
Orders of Dismissal/Cases	72/78	84/84	92/97	69/74	80/81
Orders of Denial	42	31	32	33	18
Miscellaneous	6	13	6	7	27
Expedited Appeals Granted	18	23	21	32	41
PENDING CASES (as of 6-30)	260	276	267	279	263
Submitted and Pending	89	82	104	95	80
Ready for Submission	45	50	40	62	44
Not Ready for Calendar	125	137	119	115	136
Other	1	7	4	7	3

Table 1. Supreme Court Caseload
Compared by Fiscal Year

A "Notice of Review" is filed by an appellee (the prevailing party in the lower court, against whom the appeal is brought) when he seeks review of any judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing, but not a separate disposition. It is disposed as part of the original appeal.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1.

In these proceedings, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is used because it usually takes less time to process appeals under this rule. The Court must be unanimous in its decision to render the summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main sub-categories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only final disposition by the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

The data shown in the chart illustrate that total appellate filings for this fiscal year have increased slightly over 1985. This continues a gradual rising trend that indicates a progressively expanding workload for the Court. The fact that dispositions during this fiscal year have reached an all time high is also indicative of an increase in the efforts of the Court in dealing with the growing number of appeals.

Cases submitted and pending, that is, awaiting final decision from the court, decreased in fiscal year 1986 for the third consecutive year. This is an indication that the members of the Court are working hard to keep current. The number of cases ready and awaiting Court consideration is also down this year.

These reductions, along with the concurrent increase in dispositions noted above, demonstrates a notable increase in what might be called the "productivity" of the Court during the past year.

SUPREME COURT CASELOAD COMPARISON

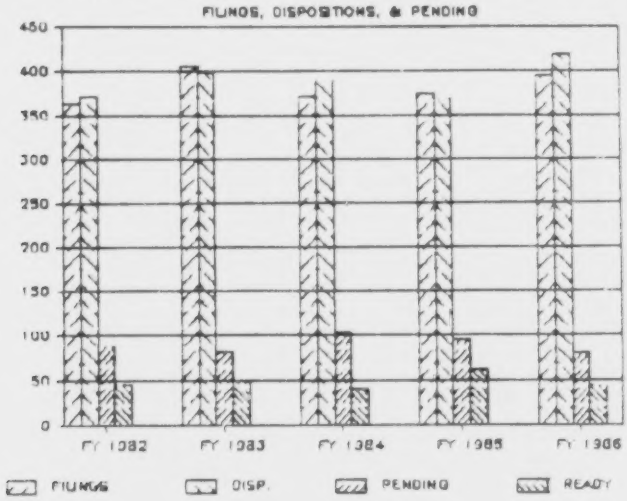


Chart 1. Supreme Court Caseload Comparison

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings, except those reserved for the Supreme Court. Appeals from decisions of the magistrate court--a subdivision of the circuit court--are also heard by the judges of the circuit court.

Circuit court judges are elected at large from within their respective circuits for a term of eight years. In the event of a vacancy in one of these positions, the Governor appoints a replacement from a list of at least two candidates recommended by the Judicial Qualifications Commission. The circuit judge must be a voting resident of his circuit at the time he takes office. The thirty five judges, and the law-trained magistrates, in office at the end of fiscal year 1986 are listed on page 12. Map 2 shows the boundaries of the eight judicial circuits.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following.

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their

rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

6) Authorizing a schedule of fine and bond amounts to be used by magistrates and law enforcement officers in criminal prosecutions.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. Arraignment and trial of all felony cases are part of the exclusive jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following.

1) Dispute of title or boundary of real property

2) Divorce or annulment of marriage

3) Probate, guardianship and settlement of estates

4) Juvenile proceeding

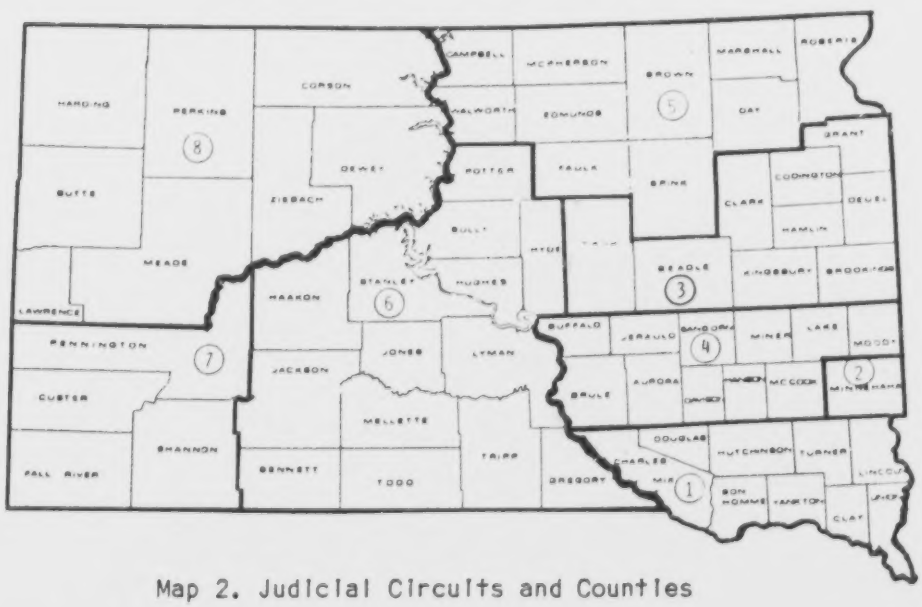
5) Civil disputes in which damages claimed are in excess of $2,000.00.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts. Decisions in small claims cases cannot be appealed.

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature has authority to provide for courts of limited jurisdiction. In the present system, these courts--the magistrate division--assist the circuit courts in disposing

In the map below, the eight judicial circuits of the state are designated. The judges and law-trained magistrates for each circuit are listed on page 12.



Map 2. Judicial Circuits and Counties

of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. Each full-time law-trained magistrate is appointed by the presiding judge of the circuit to a four-year term upon approval by the Supreme Court.

As is apparent from the list presented on page 12, a substantial number of the law-trained magistrates are part-time personnel, who may continue in their own private legal practice. Full-time law-trained magistrates are not permitted to have a private practice.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and disputed small claims cases.

The lay magistrates, in contrast to the law-trained personnel, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas (and impose sentence) only in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. Cases in which a not-guilty plea is entered are then scheduled for trial before a law-trained magistrate or circuit judge.

In all criminal cases, the lay magistrate is authorized to issue warrants for arrest or search, appoint legal counsel for defendants who are unable to pay for a lawyer, set bond for the release of the accused, and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a circuit judge). In addition, the magistrate is authorized by statute to function as coroner when the regular coroner of the jurisdiction is not available.

The lay magistrate also has the power to perform marriages; to take depositions and administer oaths; and to enter judgments in defaulted small claims cases and other uncontested civil disputes involving amounts of $2,000 or less. Table 3 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. In most counties, the clerk of court also serves as the lay magistrate.

The lay magistrate is required by law to attend a training institute provided by the State Court Administrator's office every other year. To be a lay magistrate, there is no educational requirement other than high school.

Although the state law assigns extensive authority to the lay magistrate, particularly in criminal cases, the extent of the actual exercise of this authority varies considerably from one circuit to the next, depending on a number of factors. These factors include the policy of the presiding judge, the availability of law-trained magistrates and circuit judges, and the land area of the circuit.

Presiding Judges' Meeting

Approximately every two months throughout the year, the eight presiding judges meet with the Chief Justice and the State Court Administrator. At two of these meetings each year, participation by the eight chief court services officers is also included.

Through the presiding judges meetings, judicial circuit personnel are

provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, management problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive branch and the legislature, and other interest groups, to meet and discuss issues of mutual concern with the judicial personnel responsible for the implementation of operations at the circuit court level.

During the year, agenda items for the presiding judges meetings included special compensation time payment for circuit employees, pattern jury instructions being placed on computer disks, appointment of guardian ad litem, revision of small claims procedures, the proper judicial functions of lay magistrates, modification of the salary and personnel classification structure in the court system, fine and bond revisions, disqualification of judges in cases involving conflict of interest, and sentencing in drunk-driving cases.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, required by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

The agenda for the Judicial Conference of 1986 included a discussion of suspended sentences for those convicted of prior felonies, restitution and collection costs, electronic transmission of traffic offense records, legislation involving lay magistrates, legislation modifying judicial service to the rural counties, and judicial calendar management.

Judicial Qualifications Commission

This commission, created by Article V, Section 9, of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four-year terms of the members are imbricated to promote administrative continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of the person subject to the inquiry. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article and Supreme Court rule.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor. The Governor then appoints one of those nominees to fill the vacancy.

Bench Personnel by Judicial Circuit

FIRST JUDICIAL CIRCUIT, Judges:
Connelly, Riley
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Marmet, Robert G.
Humphrey, David C.

SECOND JUDICIAL CIRCUIT, Judges:
*Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Kean, Gene Paul
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale E.
Martin, Eugene L.
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Gordon J.

Law-Trained Magistrates:
Turbak, Nancy
Brekke, Dean (10-7-85)

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
*Gerken, Marshall M.
McMurchie, Boyd L.
Miller, Ronald K. (5-19-86)
Wuest, George W.

Law-Trained Magistrates:
Sage, Doyle
Iosty, James

FIFTH JUDICIAL CIRCUIT, Judges:
Eerndt, Leland J.
*Dobberpuhl, Eugene E.
Evans, Vernon
Gilbertson, David E. (3-3-86)
Ramynke, Mildred D. (Ret. 12-13-85)

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James

SIXTH JUDICIAL CIRCUIT, Judges:
Anderson, James W.
Heck, Donald L.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrates:
Wendt, Richard

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
Konenkamp, John
Tice, Merton B. Jr.
*Young, Marshall P.

Law-Trained Magistrates:
**Klauck, Jack
**O'Connor, Michael

EIGHTH JUDICIAL CIRCUIT, Judges:
Johnson, Warren
*Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Hoggatt, Ralph

*Indicates Presiding Judge at end of fiscal year.
**Indicates Full-Time Magistrate

Note: Judge George W. Wuest was appointed Justice of the Supreme Court effective 1-13-86. Judge Kean and Judge Johnson were appointed presiding judges of the second and eighth circuits, respectively, effective 9-8-86. Judge Robert A. Miller was appointed to the Supreme Court effective 12-12-86. Judge Anderson became presiding judge 12-12-86, and Steven L. Zinter was appointed circuit judge 1-16-87.

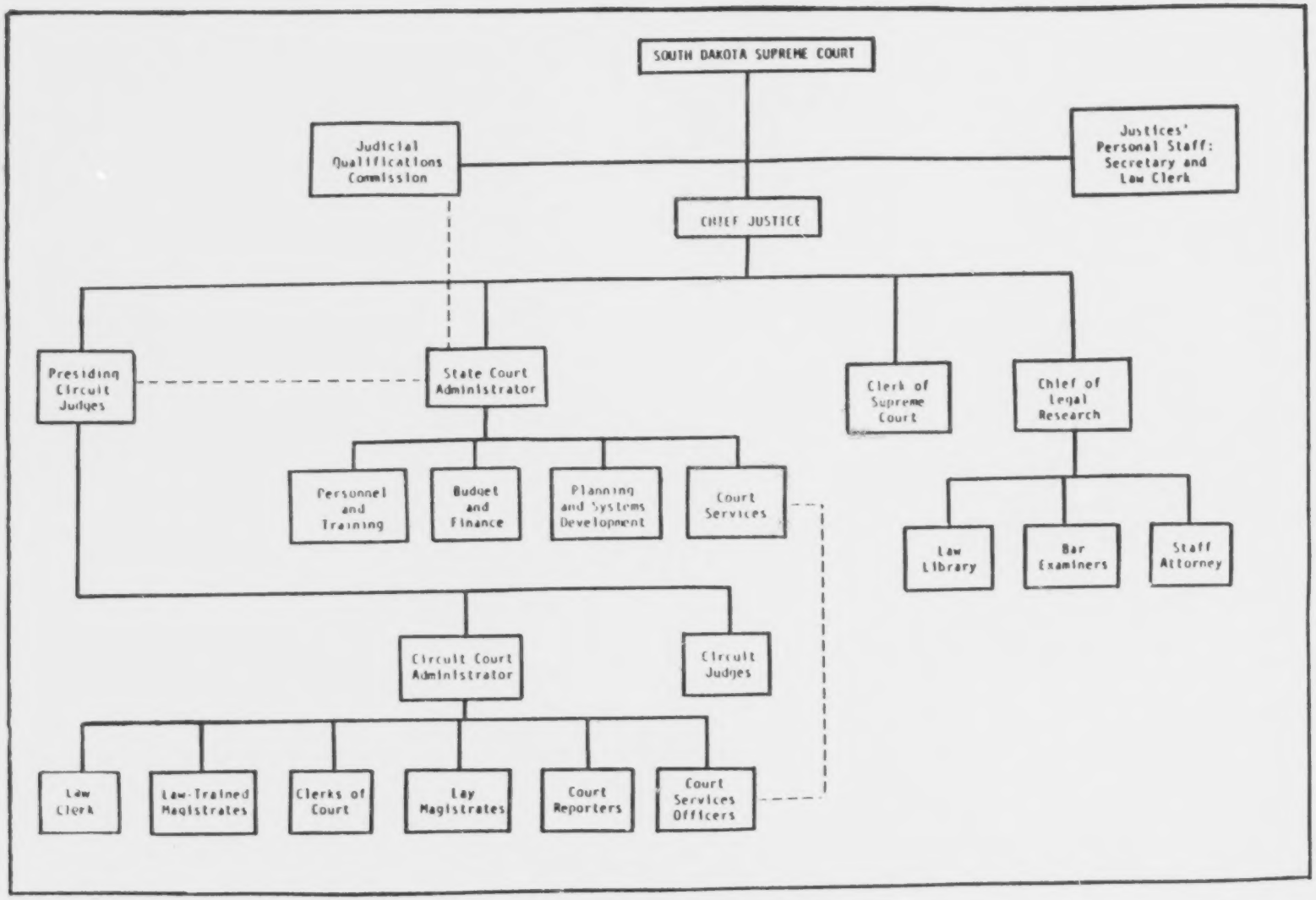


Table 2. Organization Chart for the Unified Judicial System

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings; scheduling oral arguments before the Court; recording Court decisions, orders and directives; and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court; the compilation of appellate statistics; and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. The responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As Supreme Court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court law library of over 40,000 volumes.

3) The Chief of Legal Research also coordinates the efforts of staff attorneys in the prescreening of appeals and in drafting internal working memoranda, per curiam opinions, and orders for review by the Court.

   The staff attorneys screen the cases brought on appeal and make suggestions to the Supreme Court regarding disposition. These attorneys also help reduce the number of Court hearings by organizing the appellate settlement conferences, previously discussed. The purpose of these conferences is to help clarify the issues of the appeal, and to promote settlement between the parties, thus avoiding an expensive appeal and the need for a formal Court opinion.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative assistance and support services to the Unified Judicial System. Through biweekly meetings with the Supreme Court, administrative issues are discussed and policy decisions made which are implemented by the State Court Administrator.

In addition to these management and policy functions, there are four major subdivisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including biennial training institutes for lay magistrates, and mandatory professional development programs for judges.

The personnel and training office is also responsible for the revision of personnel rules, and for the activities related to recruitment of new personnel for the judiciary. This includes publication of notices for open positions and coordination of interviews with prospective employees.

During 1986, the personnel and training office provided staff assistance to the members of the Hay Study committee. This committee was involved in the development of a new method of position evaluation and employee classification to make the personnel structure of the UJS more comparable with other government agencies.

The Budget and Finance Division is responsible for the development and administration of the annual budget request and appropriation, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms, and for maintaining the integrity of the accounting procedures for the Unified Judicial System.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, publication and maintenance of procedures manuals, the analysis of caseload and disposition data, and the preparation of research reports.

During the year, this division continued its coordination of development of a new criminal justice reporting system that would make criminal prosecution information available to a number of interested state agencies through an on-line data base.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the development and coordination of all professional development activities of court services officers, and staffs the meetings of chief court services officers.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting programs, and statistical reporting responsibility. Presently only the second and seventh circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Law Clerk

Every judicial circuit now has the benefit of the services of a full-time law clerk. These are recent law-school graduates employed to provide research assistance to the presiding judge and circuit judges in the preparation of case judgments and orders of the court.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a

part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, perform record-keeping and filing functions for the courts, and maintain appropriate court records for the judicial reporting system. The clerk also assists and informs the public about the schedule of the court, proper filing procedures, and about other matters of public interest such as the small claims process. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator, and members of his staff, periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, develop solutions, revise the clerks' procedures manual, and make recommendations to the presiding judges regarding administrative or legislative changes.

Court Services Officer

The duties of the court services officers include the following.

1) Designing and supervising juvenile diversion program services.

2) Conducting juvenile, misdemeanant and felony presentence investigations and preparing related written reports and recommendations.

3) Providing probation services to juvenile, misdemeanant and felony probationers and their families.

4) Placing and supervising juvenile offenders in family foster homes and residential group care programs.

5) Planning and collecting offender-paid victim restitution, and developing and supervising offender community-service programs.

6) Providing divorce custody investigations and mediation services, and monitoring divorce custody visitations and adoption investigations.

7) Providing public education programs, and managing community-based service activities for juvenile, misdemeanant and felony offenders and their families.

8) Collecting attorney fees, court costs, probation fees, work release costs, drug-buy money, and other costs and fees.

Coordinating the activities of the court services officers are the chief court services officers, one of whom is appointed by the presiding judge in each judicial circuit.

These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most full-time law-trained magistrates are assigned a court reporter whose duty it is to keep verbatim notes of required court activities, to make these transcripts available, and to assist the court in any related needs. The court reporters also provide secretarial services for the judge.

Clerk-Magistrate Staffing

The table below details the number of persons in the various categories of clerk-magistrate and lay magistrate positions, full time and part time, by circuit.

During the past year, there has been a slight shift in the type of personnel employed in the circuits. As the total number of full-time clerk-magistrates and deputy clerks have decreased, there has been an increase in the number of part-time deputy clerk-magistrates.

CLERK-MAGISTRATE STAFFING BY CIRCUIT, FY 1986

CIRCUITS:	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	STATE TOTAL
FULL TIME:									
Court Clerk-Magistrate	9	1	9	10	8	10	4	4	55
Deputy Court Clerk	2	19	6	0	7	0	16	0	50
Deputy Court Clerk-Magistrate	5	0	4	6	3	4	0	7	29
Other*	0	2	0	0	0	0	2	0	4
PART TIME:									
Court Clerk-Magistrate	0	0	0	1	2	3	0	4	10
Deputy Court Clerk	5	0	1	0	3	2	0	0	11
Deputy Court Clerk-Magistrate	4	0	5	8	4	11	0	7	39
Lay Magistrate	3	0	0	0	0	3	3	2	11

* Accounting Clerk, Accountant, Microfilm Machine Operator

Table 3. Clerk-Magistrate Staffing by Circuit

FY 1986 STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT

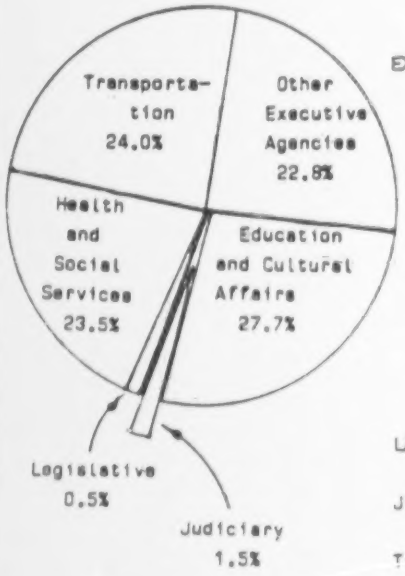
Position / Circuits:	1st	2nd	3rd	4th	5th	6th	7th	8th	Total
Bailiff	0.3	4.4	0.3	0.4	0.3	0.4	0.7	0.4	7.2
Circuit Judge	4.0	5.0	5.0	4.0	4.0	5.0	5.0	3.0	35.0
Clerk of Court	9.0	2.0	9.0	10.4	9.1	11.7	4.0	6.8	62.0
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	7.0	5.0	4.0	5.0	5.0	6.0	4.0	40.0
Court Services Officer	7.0	12.0	8.0	6.0	6.0	5.5	9.0	5.0	58.5
Deputy Clerk of Court	11.2	20.0	13.9	8.8	12.7	7.9	18.0	8.4	100.9
Law Clerk	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	8.0
Law-Trained Magistrate	2.0	2.0	1.0	0.9	1.8	0.5	2.0	2.0	12.2
Lay Magistrate	0.4	0.0	0.0	0.0	0.0	1.8	1.3	0.8	4.3
Secretary	3.0	5.0	4.0	3.0	3.4	2.5	6.5	2.0	29.4
TOTAL	41.9	59.4	47.2	38.5	43.3	41.3	54.5	33.4	359.5

Table 4. Staffing Allocations by Circuit

Staffing Allocations

Because many of the positions filled in the Unified Judicial System are part-time positions, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). Thus, two persons employed on a half-time basis in a given position would show up as 1.0 FTE.

The data for fiscal year 1986 shows an overall reduction of .3 FTE from the previous year. A court-services officer was added in the fifth circuit, while the second circuit lost one secretary, and the fifth circuit lost .5 clerks of court. While there were a number of changes in the FTE figures for deputy court clerk, the overall number remained constant (decreases were in the first, fifth and eighth circuits; increases in the fourth and sixth).



AGENCY (Full-Time Employees)		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation (1274)		$197.2	24.0%
Education and Cultural Affairs (4632)		227.8	27.7%
Health and Social Services (1262)		193.3	23.5%
Other Executive Agencies:			
Charities and Corrections (2023)	$46.9		
Labor (477)	21.3		
Executive Management (352)	25.6		
Game, Fish and Parks (459)	17.9		
Commerce and Regulation (469)	18.6		
Other (1087)	56.8		
Total, Other Executive Agencies		187.1	22.8%
LEGISLATIVE (101)		4.1	0.5%
JUDICIARY (404)		12.4	1.5%
TOTAL (12,540)		$821.9	100.0%

Table 5. State Budget Allocation

Financing the Unified Judicial System

The judicial system collects millions of dollars every year in fines, bond forfeitures, fees and costs. However, because of the obvious ethical questions that would be involved if court judgments produced court income, none of this money is used to finance the system directly (refer to table 6 on page 21). All the money collected by the judiciary is disbursed into other areas of public budgeting such as the school districts or city and county general funds.

Because the judicial system of the state does not generate any of its own funding, it must be financed by funds from other sources, primarily the state

budget. As demonstrated in the budget-allocation data above, the judiciary's share of the budgetary pie is minuscule in comparison with that of major executive-branch agencies.

The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out-of-home placement cost for juveniles, and training. State funding provides for personal services, which include salaries and benefits, for the employees in these operations. This cost for FY 1986 was 9.6 million dollars for 323 full-time, and 90 regular part-time employees.

The state also funded operating costs of 2.7 million dollars in fiscal year 1986. These operating costs include travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court related expenses.

The responsibility of the county in supporting its court operation includes jury fees, witness fees, and transcript costs and attorney fees for indigent defense. Also, counties are required to provide operational facilities for the circuit court, clerks of court, and court services. These facilities include office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. In addition, many counties maintain their own county law libraries, partially funded from a law library fee collected on each civil filing in the circuit court.

The legislature presently requires the counties to reimburse the state's general fund 20% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year. This reimbursement percentage is scheduled to decrease gradually down to 10% by July, 1987.

The total amount of the reimbursement is pro-rated to each county, based upon percentage of the state population that resides in the county. Credits are allowed to the county for the amount of space provided for the operation of the courts.

Municipalities are generally required to provide funding to support activities that are necessary to enforce municipal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants, as all of these are applicable to city ordinance. Municipalities also provide facilities for some magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes assisting the Supreme Court in the preparation and submission of the annual consolidated budget request; the administration of the operating budget; and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions on the following page apply to the categories of accounting information in Table 6.

DEFINITIONS OF RECEIPT CATEGORIES

City Fines: Fines Collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund. This is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund (65%) and the state general fund (35%).

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated costs: A $12.00 surcharge set by the state legislature to be assessed for all criminal cases. Ten dollars of this is to be used for training of law enforcement, corrections, and judicial personnel. Two dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

Posted Bonds: Bonds posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

CLERK OF COURT
RECEIPTS AND DISBURSEMENTS
FISCAL YEAR 1986

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTALS
CASH RECEIPTS:									
CITY FINES	$90,693	$402,882	$107,040	$48,213	$108,251	$36,812	$207,547	$51,368	$1,052,806
CITY COSTS RECOVERED	95	920	138	0	555	110	0	535	2,353
CITY FORFEITURES	25	2,992	6,210	4,385	169	33	850	61	14,725
STATE FINES	838,916	693,800	597,969	418,468	604,090	465,586	589,672	820,923	5,029,424
STATE COSTS RECOVERED	11,079	60,140	10,459	7,296	10,084	23,607	96,599	20,830	240,094
STATE FORFEITURES	5,343	10,341	4,110	2,578	4,844	4,729	12,880	14,352	59,177
CASH FEES	96,091	168,172	114,706	77,252	107,262	74,637	126,037	65,272	829,429
LAW LIBRARY FEE	8,015	15,508	10,352	6,693	9,167	6,291	11,629	5,704	73,359
SMALL CLAIMS POSTAGE	4,334	5,315	7,549	4,339	4,735	4,732	8,063	3,347	42,414
LIQUIDATED COSTS	204,363	382,773	169,641	134,314	164,507	119,258	237,668	144,472	1,556,996
COURT APPOINTED ATTORNEY FEES	$19,291	$15,393	28,870	15,901	13,170	24,605	7,551	12,389	137,170
PET. / OFFENSE FINES	2,345	225	420	100	1,175	1,645	4,183	40	10,133
RESTITUTION	107,247	144,702	125,408	62,454	84,451	43,687	117,091	36,582	721,622
POSTED BONDS	151,395	293,585	89,153	106,575	243,629	112,075	411,201	139,970	1,547,583
OTHER	84,245	7,482	88,848	34,848	42,491	28,366	211,629	3,250	501,159
CHILD SUPPORT	646,509	1,419,669	1,931,766	765,499	1,282,512	1,005,660	2,459,823	804,313	10,315,751
TRUST FUND	54,825	68,138	32,975	26,939	23,192	173,659	2,093	161,801	543,622
TOTAL RECEIPTS	$2,324,811	$3,692,037	$3,325,614	$1,715,854	$2,704,284	$2,125,492	$4,504,516	$2,285,209	$22,677,817
CASH DISBURSEMENTS:									
REMITTED TO CITIES	$59,180	$264,738	$73,768	$34,166	$71,027	$24,376	$135,800	$34,184	$697,239
REMITTED TO COUNTIES	981,305	965,929	$765,455	528,206	749,137	600,372	848,134	938,746	6,377,284
RESTITUTION	107,741	147,966	123,029	57,922	84,804	42,430	130,613	37,320	731,325
SMALL CLAIMS POSTAGE	4,334	2,422	7,547	4,339	4,642	4,728	8,029	3,348	39,389
POSTED BOND REFUND	187,169	300,275	80,375	122,532	261,476	122,671	420,739	141,053	1,636,290
CHANGE OF VENUE	403	431	515	293	242	433	0	84	2,401
OTHER	82,509	7,515	89,195	34,597	41,706	27,841	211,852	3,393	498,608
CHILD SUPPORT FORWARDED	646,509	1,419,669	1,931,766	765,499	1,282,512	1,005,660	2,459,823	804,313	10,315,751
TRUST FUND	21,702	110,839	40,618	42,397	6,719	282,266	12,713	218,296	735,550
REMITTED TO STATE	235,974	524,908	209,596	152,849	203,104	132,721	310,619	162,740	1,932,511
TOTAL DISBURSEMENTS	$2,326,826	$3,744,692	$3,321,864	$1,742,800	$2,705,369	$2,243,498	$4,538,322	$2,343,477	$22,966,043

Table 6. Clerk of Court Receipts and Disbursements, FY 1986

CLERK OF COURT RECEIPTS COMPARED
FY 1982 TO FY 1986

RECEIPTS, TYPE:	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986
City Fines	$1,798,135	$1,345,676	$1,159,971	$1,215,440	$1,052,806
City Costs Recovered	3,812	2,838	2,616	3,074	2,353
City Forfeitures	14,300	14,986	14,888	14,200	14,725
State Fines	4,420,292	4,826,746	5,615,310	5,963,562	5,029,424
State Costs Recovered	203,850	266,413	258,114	215,165	240,094
State Forfeitures	52,801	59,251	66,152	88,357	59,177
Cash Fees	580,977	616,762	793,144	824,266	829,429
Law Library Fee	66,362	69,650	69,032	71,420	73,359
Small Claims Postage	30,052	33,576	34,603	37,803	42,414
Liquidated Costs	330,230	1,244,454	1,384,830	1,490,788	1,556,996
Court Appointed Attorney Fee	115,916	137,367	128,360	130,268	137,170
Petty Offense Fines	2,211	2,562	5,747	6,560	10,133
Restitution	713,853	807,505	669,126	596,665	721,622
Posted Bonds	1,293,424	1,403,909	1,630,651	1,791,982	1,547,583
Other	159,705	341,466	514,517	863,238	501,159
Child Support	6,318,920	7,120,484	7,778,813	8,911,830	10,315,751
Trust Fund	559,426	497,232	1,231,511	1,124,234	543,622
TOTAL RECEIPTS	$16,664,266	$18,790,877	$21,357,385	$23,348,852	$22,677,817
DISBURSEMENTS, TYPE:					
Remitted to Cities	$1,819,710	$1,363,588	$799,197	$803,296	$697,239
Remitted to Counties	5,766,386	5,982,542	6,934,764	7,305,234	6,377,284
Restitution	706,555	799,762	684,309	587,820	731,825
Small Claims Postage	29,517	33,428	34,318	37,343	39,389
Posted Bond Refund	1,219,664	1,331,356	1,558,380	1,797,356	1,636,290
Miscellaneous Refund	1,984	1,689	2,971	2,135	2,401
Other	145,685	353,746	511,508	863,998	498,608
Child Support Forwarded	6,318,920	7,120,484	7,778,813	8,911,830	10,315,751
Trust Fund	504,793	479,892	1,049,772	886,125	735,550
Remitted to State	260	1,243,043	1,763,760	1,921,817	1,932,511
TOTAL DISBURSED	$16,513,474	$18,709,530	$21,117,792	$23,116,954	$22,966,848

Table 7. Clerk of Court Receipts and Disbursements Compared, FY 1982 to FY 1986

Receipts

Chart 2, below, shows some of the types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by an offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to the punishment of the criminal by fine or incarceration. Chart 2 shows a decrease in restitution collection from fiscal year 1983 through 1985, then a rise in 1986 to the highest level in the five-year period.

The "fees" category represents the money paid by the public for services rendered by the court as a part of state government, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, at the beginning--of non-criminal court actions (small claims, probate, divorce, etc.). A statutory increase in these filing fees was put into effect at the beginning of fiscal year 1984.

Court-appointed defense attorney fees are paid, initially by the county or city, for accused persons who are unable to pay for a lawyer. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes as a condition of probation. The amount of this repayment is shown in the chart below.

In addition to this direct repayment from the accused, a certain portion of the costs collected on all criminal convictions is set aside and returned to the counties as a percentage of the total paid by the county for court appointed attorneys. This apportionment of costs is specified by SDCL 23-3-55 and is explained in some detail in the material following, under the title of "Fines and Costs." The details of repayment for court-appointed attorneys can be found on Tables 10 and 11, and the chart that precedes those.

SELECTED RECEIPTS COMPARED:

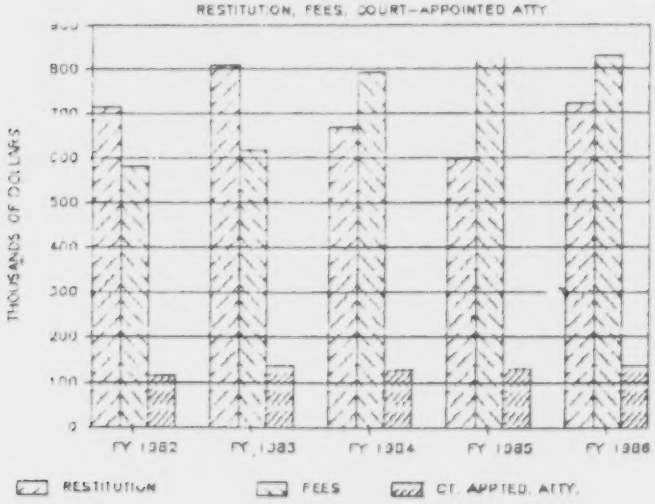


Chart 2. Selected Receipts Compared, Restitution, Fees, Court-Appointed Attorney Repayment

Fines and Costs

Chart 3, below, shows a comparison, by fiscal year, of fines and costs collected for criminal cases. State fines are those assessed for violations of state laws, and city fines are those amounts charged for violation of municipal ordinances.

State fines received are deposited for use by the school district of the county in which the violation occurred. City fines are divided, with 65% being returned to the city general fund, and 35% to the state general fund.

The liquidated costs figure is derived from the $12.00 added to the fines for conviction of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). Prior to 1983, this amount was 5%, or a minimum of $2.00 on each violation. The increase in "costs" revenue is evident on the chart.

The increase in liquidated costs for the year is $66,208, which is about a 4.4% rise from fiscal year 1985. If total costs were collected on each case, this would mean there were 129,750 cases on which the costs were received, as compared with 124,232 in the previous year. The judges occasionally waive the $12.00 liquidated cost assessment, or some portion of it, if there appears to be financial hardship involved.

The total disbursement of liquidated costs is divided three ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total $1,556,996, 25% ($389,249) is to be used for law enforcement training; approximately 58% ($903,057) for highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors, Unified Judicial System personnel, and other law enforcement and training purposes.

The remaining portion, about 17% ($264,689), is returned to the counties on a percentage basis for the payment of court-appointed attorneys representing low-income defendants accused of crimes. This is to be distributed annually by the state treasurer according to SDCL 23-3-55. See table 10 on page 30, for a county-by-county distribution of these funds.

The steady increase in state fines over the four-year period from 1982 to 1985 is a reflection of a parallel increase in DUI filings. Also, the operation of new truck inspection stations has increased the number of state fines from certain areas of the state (see table 8, on page 26, and chart 4, on page 25).

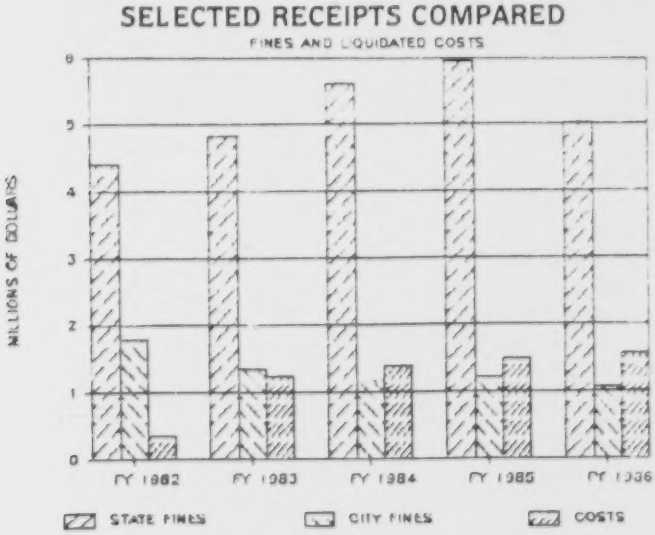


Chart 3. Selected Receipts Compared, Fines and Liquidated Costs

The sharp decline in state fine receipts during fiscal year 1986 is primarily the result of a reduction in the scheduled fines for statewide speeding offenses. This reduction, which was the result of legislative change, went into effect at the beginning of FY 1986.

Speeding violations, as shown in the table on page 49, are the most common of class-two misdemeanor traffic offenses, so the speeding fine reduction has had an immediate and substantial impact on state fine revenues.

Speeding fines for FY 1985 totalled $2,567,242, as compared to $1,952,221 for FY 1986. This is a decrease of over $600,000, or about 25% in fine receipts from FY85 to FY86. During the same period, the total number of speeding arrests Increased by 9266, or about 13.5%.

In addition to the speeding fine change, the decrease in state fines may also be attributed in part to the decrease in truck-violation fines during the year. One area in which this was particularly noticeable is in the decline in citations for violations of motor-carrier log-book rules. Because of a temporary classification change, these rules were not enforced during fiscal 1985. During the previous fiscal year, log-book violations resulted in fine receipts of over $200,000. Enforcement of the rules was renewed in July, 1986.

There has also been a decline in city fines during the past fiscal year, continuing a downward trend that is evident from 1982. This decline is partly due to changes in statutes and city ordinances during the past few years. In FY 1986, however, the decrease in city fines is primarily due to the speeding penalty reduction noted above.

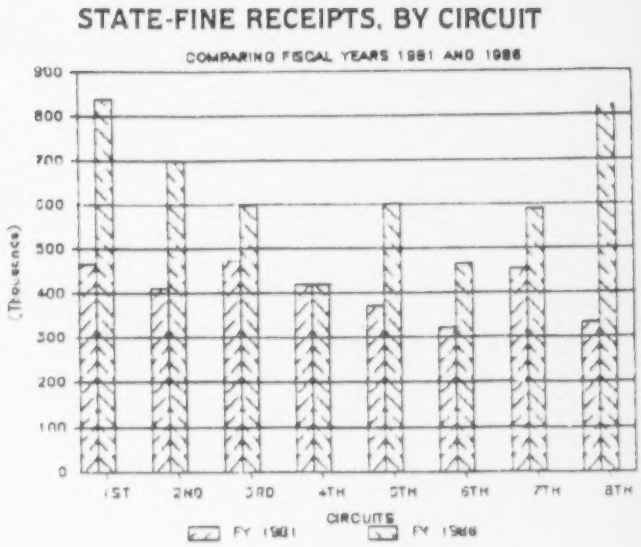


Chart 4. State Fine Receipts Compared by Circuit FY 1981 - FY 1986

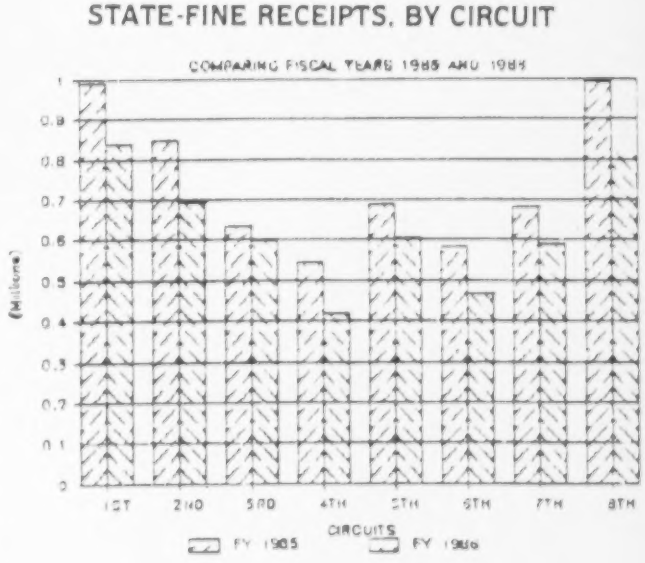


Chart 5. State Fine Receipts Compared by Circuit FY 1985 - FY 1986

COMPARISON OF STATE FINES, BY COUNTY AND CIRCUIT: FROM FY 1981 TO FY 1985

COUNTIES	FY 1981	FY 1985	FY 1986	PERCENT CHANGE FY81-FY86
1ST CIRCUIT:				
Bon Homme	$23,176	$24,768	$28,759	24.1%
Charles Mix	73,593	69,398	65,650	-10.8%
Clay	47,694	92,319	85,464	79.2%
Douglas	14,291	21,122	10,167	-28.9%
Hutchinson	22,907	44,667	42,053	83.6%
Lincoln	48,551	95,620	70,434	45.1%
Turner	30,046	15,884	19,446	-35.3%
Union	100,623	423,552	328,051	226.0%
Yankton	105,213	204,220	188,894	79.5%
TOTAL	$466,094	$991,550	$838,918	80.0%
2ND CIRCUIT:				
Minnehaha	$411,272	$845,819	$693,800	68.7%
3RD CIRCUIT:				
Beadle	$113,740	$129,332	$122,602	7.8%
Brookings	85,744	162,522	165,228	92.7%
Clark	15,741	36,186	31,446	99.8%
Codington	109,806	123,075	137,806	25.5%
Deuel	24,514	35,590	36,984	50.9%
Grant	36,435	40,291	26,459	-27.4%
Hamlin	13,872	26,520	27,661	99.4%
Hand	41,767	34,622	23,623	-43.4%
Kingsbury	31,298	44,941	26,159	-16.4%
TOTAL	$472,917	$633,079	$597,968	26.4%
4TH CIRCUIT:				
Aurora	$42,807	$48,136	$32,450	-24.2%
Brule	48,957	58,769	37,413	-23.6%
Buffalo	134	5,463	1,408	950.7%
Davison	136,363	158,565	118,725	-12.9%
Hanson	15,173	17,738	12,891	-15.0%
Jerauld	8,273	28,873	21,875	164.4%
Lake	35,579	51,186	45,538	28.0%
Mc Cook	49,725	43,724	35,401	-28.8%
Miner	9,333	22,267	21,333	128.6%
Moody	51,384	86,692	71,947	40.0%
Sanborn	23,655	24,366	19,489	-17.6%
TOTAL	$421,383	$545,779	$418,470	-0.7%

COUNTIES	FY 1981	FY 1985	FY 1986	PERCENT CHANGE FY81-FY86
5TH CIRCUIT:				
Brown	$131,554	$205,270	$188,033	42.9%
Campbell	5,542	7,513	8,234	48.6%
Day	32,152	42,368	49,152	52.9%
Edmunds	21,243	37,917	36,749	73.0%
Faulk	16,893	15,779	23,057	36.5%
Marshall	22,006	33,763	23,721	7.8%
Mc Pherson	6,093	11,633	5,986	-1.8%
Roberts	48,013	216,617	130,616	172.0%
Spink	40,274	51,087	58,815	46.0%
Walworth	47,230	66,369	79,726	68.8%
TOTAL	$371,000	$688,316	$604,089	62.8%
6TH CIRCUIT:				
Bennett	$14,289	$41,894	$29,983	109.8%
Gregory	18,363	33,603	28,637	55.9%
Haakon	9,585	15,248	12,245	27.8%
Hughes	73,460	135,014	127,870	74.1%
Hyde	2,288	10,959	8,599	275.8%
Jackson	50,440	65,916	30,534	-39.5%
Jones	14,958	27,135	9,837	-34.2%
Lyman	34,171	69,464	39,116	14.5%
Mellette	2,615	6,037	5,685	117.4%
Potter	12,238	25,430	18,400	50.4%
Stanley	30,219	47,858	70,461	133.2%
Sully	8,397	13,492	9,500	13.1%
Tripp	50,562	91,072	74,721	47.8%
TOTAL	$321,585	$583,122	$465,588	44.8%
7TH CIRCUIT:				
Custer	$49,694	$72,037	$61,450	23.7%
Fall River	49,825	60,417	74,142	48.8%
Pennington	32,739	23,607	19,079	-41.7%
Rapid City	324,047	525,076	435,002	34.2%
TOTAL	$456,305	$681,137	$589,673	29.2%
8TH CIRCUIT:				
Butte	$48,642	$80,378	69,557	43.0%
Corson	8,727	13,936	18,150	108.0%
Dewey	3,767	9,944	12,378	228.6%
Harding	14,942	41,773	49,252	229.6%
Lawrence	130,916	339,654	267,720	104.5%
Meade	99,077	473,050	364,293	267.7%
Perkins	18,923	26,410	30,860	63.1%
Ziebach	8,062	9,618	8,714	8.1%
TOTAL	$333,056	$994,763	$820,924	146.5%
STATE TOTALS	$3,253,612	$5,963,565	$5,029,430	83.3%

Table 8. State Fine Receipts
Compared by County and Circuit

In chart 6, in addition to total receipts, the two categories that comprise the largest share of money handled by the courts are also presented. Of these two, child support payments are shown continuing the rising trend that has been evident for more than five years.

Child support payments, the largest single component of receipts processed by the clerks' offices, represents a significant service performed by the courts for the public. The clerks of court in these cases serve as bookkeeper and collection agency for the recipient parent, and ensure that the paying parparent discharges the responsibility required by the courts.

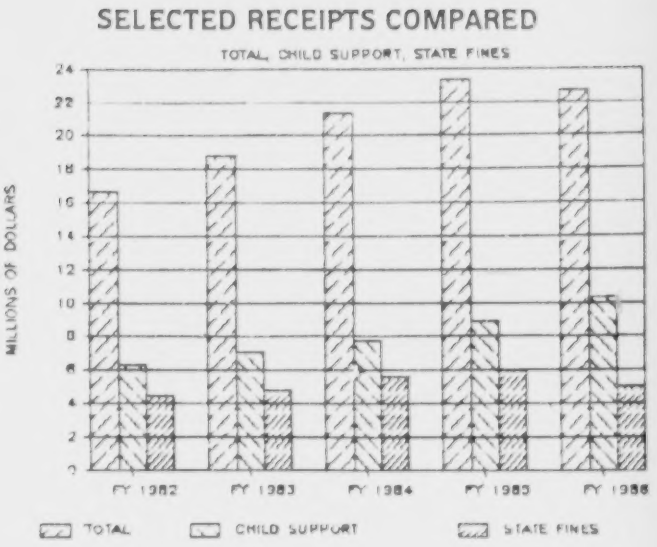


Chart 6. Selected Receipts Compared, Total, Child Support, State Fines

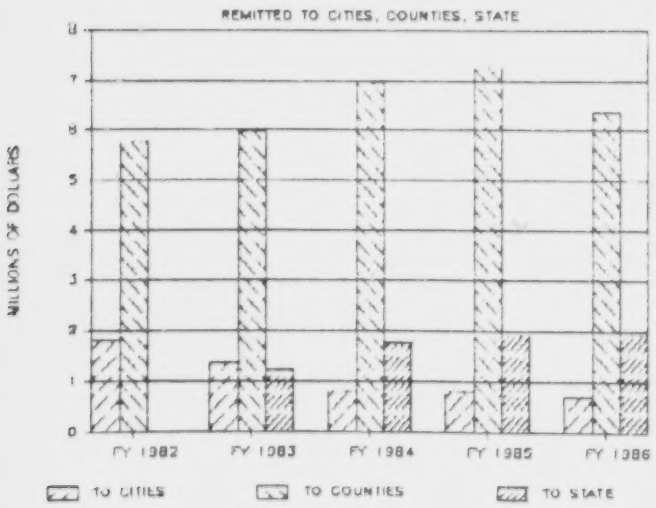


Chart 7. Selected Disbursements Compared

Disbursements

Chart 7 shows funds disbursed by the clerks of court to the state and its political subdivisions. Funds remitted to the counties, which show a substantial increase over the five-year period, include state fine amounts returned for school districts in accordance with Article VIII, Section 3 of the South Dakota Constitution.

The decrease in disbursements to cities in the past two years is partly because city fines have declined, and partly because the court system has been remitting 35% of the city fine receipts directly to the state during that time. Prior to fiscal year 1983, the city was responsible for sending the state's portion of their receipts into the state general fund.

This change in accounting procedure is also part of the reason for the sudden increase in state remittances shown in fiscal year 1983 and 1984. The other reason for the increase in disbursements to the state is that the liquidated costs (see the previous discussion on fines and costs) are also sent by the court system directly to the state treasurer.

Comparison of Court Services Activities by Fiscal Year

SERVICE CATEGORY	First Circuit		Second Circuit		Third Circuit		Fourth Circuit		Fifth Circuit		Sixth Circuit		Seventh Circuit		Eighth Circuit		State Totals	
	FY85	FY86	FY85	FY86	FY85	FY86	FY85	FY86	FY85	FY86	FY85	FY86	FY85	FY86	FY85	FY86	FY85	FY86
Juvenile Service:																		
Preliminary Investigations	212	201	754	1056	210	257	2	3	0	0	9	13	0	0	0	0	1187	1530
90-Day Diversion Services	299	278	108	91	218	250	128	119	120	203	134	331	78	107	99	136	1184	1515
Prehearing Investigations	41	111	317	338	77	64	107	73	31	51	7	13	75	186	2	0	657	836
90-Day Informal Adjustments	6	13	33	26	25	3	1	1	2	4	5	5	0	4	2	0	74	56
Placed on Probation	107	143	161	187	167	154	102	69	137	149	49	70	106	169	68	98	897	1039
On Probation at End of FY	110	156	137	142	87	100	51	42	132	124	46	44	113	138	54	91	730	837
Success Rate Percentage	90%	82%	89%	84%	79%	70%	84%	82%	84%	79%	90%	91%	84%	77%	88%	84%	86%	81%
FY's Alt. Care Placements	9	4	30	10	3	4	17	5	9	15	22	11	20	12	16	13	126	74
FY's Accumulated Alt. Care	16	9	44	37	4	6	26	22	17	21	42	31	42	29	28	20	219	175
Active Alternative Care Placements at End of FY	7	5	32	18	2	5	16	7	9	10	22	19	18	13	9	10	115	87
Family Foster Care Days	0	289	1209	1447	141	114	880	1598	8	89	1721	1875	392	482	350	254	4701	6148
Group Care Days	2879	2489	6576	7378	269	1134	3231	2329	2731	3133	4833	5467	2948	3293	1924	2652	25391	27875
Home-Based Serv. Referrals	0	0	1	0	0	0	0	0	0	0	0	0	9	11	2	0	12	11
Adult Service, Misdemeanor:																		
PSI Reports	81	79	52	51	30	14	62	62	22	2	29	22	1591	1610	5	3	1872	1843
Placed on Probation	93	70	52	46	133	168	58	45	163	77	25	23	156	114	51	50	731	593
Active Probationers, End FY	94	64	64	67	92	106	57	49	101	64	38	23	132	95	55	48	633	516
Adult Service, Felony:																		
PSI Reports	41	43	116	165	105	77	67	59	48	31	79	116	159	250	75	70	690	811
Placed on Probation	72	53	87	113	104	101	38	39	81	90	51	82	101	131	75	80	609	689
Active Probationers, End FY	150	132	244	220	127	129	80	76	146	171	95	123	152	193	148	147	1142	1191
90-Day Case Monitoring Program																		
Placed in Programs	40	62	21	9	580	656	55	139	58	71	180	192	1579	1552	15	4	2528	2685
Active Cases, End FY	9	6	6	1	136	131	38	19	7	17	21	30	303	315	1	0	521	519
Domestic Relations Cases:																		
Divorce Custody Investigations	3	7	19	4	0	0	2	0	0	0	0	0	3	0	0	0	27	11
Custody Visitation Monitoring	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Adoption Investigations	1	3	0	0	0	0	0	1	0	0	0	0	0	0	1	1	2	5
Divorce Custody Mediations	1	2	2	0	0	0	0	0	0	0	5	1	32	31	2	0	42	34

Table 9. Comparison of Court Services Activities

Court Appointed Attorney Costs

Table 10, page 30, shows costs and repayment for court-appointed attorneys and public defenders. Chart 8 is a graphic summary of the cost and repayment by circuit. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of indigent persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public-defender office.

The data presented in these tables applies only to defense for felonies and class-one misdemeanors. Some counties, such as Lawrence and Butte, also occasionally employ court-appointed counsel in defense of class-two misdemeanant offenders.

In counties where there is no public defender system, judges or magistrates appoint local attorneys to defend indigent defendants. Repayment policies are the same for both types of county. Generally, the defendant, regardless of whether he is convicted, is expected to repay the cost of the court-appointed attorney. If repayment is not made, the county may file a lien against the defendant for the court-appointed attorney cost.

The data on Table 11, page 31, show an approximate average cost to the county for each court-appointed attorney case. This is done by dividing the total payment for the fiscal year by the total number of court appointment cases.

Table 11 also shows the percent of total class-one misdemeanor and felony filings that result in court appointment of an attorney. The state average is that 27% (a little more than one out of four) of such filings result in the appointment of an attorney at county expense. This percentage represents a small increase over the previous year.

Of the charges defended by court-appointed attorneys during FY 1986, about half were dismissed and another 40% resulted in guilty pleas.

The court appointment (or public defender) systems in the counties of Yankton, Minnehaha, Day, Roberts, Bennett, Gregory, Lyman, Mellette, Stanley, and Pennington appear to be relatively cost effective. They all show 20% or more of their filings as having court appointed attorneys assigned, and the average cost per appointment for each is $300 or less ($305 for Lyman County).

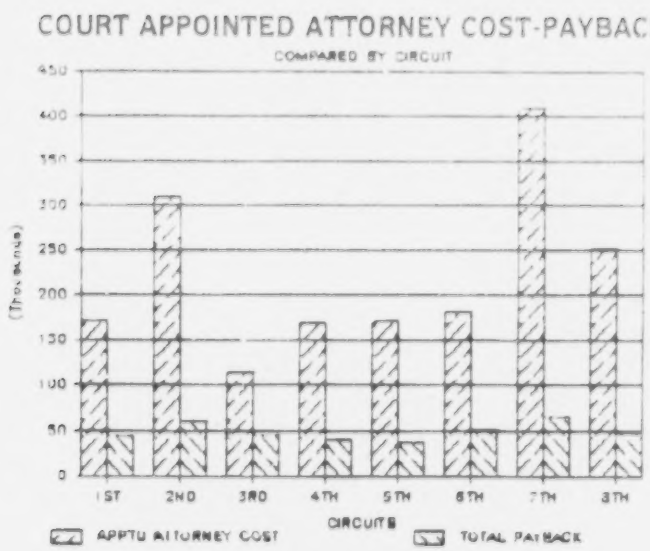


Chart 8. Court Appointed Attorney Repayment, by Circuit

COUNTY EXPENDITURES AND REPAYMENT FOR COURT APPOINTED ATTORNEYS AND PUBLIC DEFENDERS

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIRST CIRCUIT:				
BON HOMME	$2,331	$332	0	14%
CHARLES MIX	$52,587	$7,502	188	15%
CLAY	$20,293	$2,895	7,106	49%
DOUGLAS	$15,990	$2,281	0	14%
HUTCHINSON	$5,441	$776	1,514	42%
LINCOLN	$25,614	$3,654	1,084	18%
TURNER	$12,348	$1,762	18	14%
UNION	$13,052	$1,862	1,192	23%
YANKTON	$24,375	$3,477	8,190	48%
TOTAL	$172,031	$24,541	$19,292	25%
SECOND CIRCUIT:	$310,249	$44,258	15,393	19%
THIRD CIRCUIT:				
BEADLE	$43,252	$6,170	7,010	30%
BROOKINGS	$14,000	$1,997	3,703	41%
CLARK	$1,051	$150	380	50%
CODINGTON	$32,317	$4,610	12,073	52%
DEUEL	$2,689	$384	25	15%
GRANT	$8,952	$1,277	1,503	31%
HAMLIN	$1,198	$171	100	23%
HAND	$1,273	$182	2,009	172%
KINGSBURY	$9,481	$1,352	2,067	36%
TOTAL	$114,213	$16,293	$28,870	40%
FOURTH CIRCUIT:				
AURORA	$5,431	$775	$1,031	33%
BRULE	$41,138	$5,868	1,921	19%
BUFFALO	$0	$0	0	0%
DAVISON	$73,908	$10,543	4,889	21%
HANSON	$3,706	$529	774	35%
JERAULD	$1,586	$226	423	41%
LAKE	$11,789	$1,682	3,103	41%
MC COOK	$4,929	$703	915	33%
MINER	$1,851	$264	846	60%
MOODY	$19,269	$2,749	2,000	25%
SANBORN	$5,522	$788	0	14%
TOTAL	$169,129	$24,127	$15,902	24%
STATE TOTALS:	$1,781,804	$254,179	$137,172	22%

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIFTH CIRCUIT:				
BROWN	$95,253	$13,588	$8,108	23%
CAMPBELL	$509	$73	0	14%
DAY	$9,085	$1,295	325	18%
EDMUNDS	$6,141	$876	16	15%
FAULK	$2,212	$316	238	25%
MARSHALL	$5,885	$839	30	15%
MC PHERSON	$418	$60	0	14%
ROBERTS	$30,330	$4,327	1,954	21%
SPINK	$12,669	$1,807	1,589	27%
WALWORTH	$10,203	$1,456	911	23%
TOTAL	$172,705	$24,637	$13,171	22%
SIXTH CIRCUIT:				
BENNETT	$9,653	$1,377	$1,145	26%
GREGORY	$13,054	$1,862	319	17%
HAAKON	$4,190	$598	0	14%
HUGHES	$81,413	$11,614	12,069	29%
HYDE	$1,531	$218	325	35%
JACKSON	$3,932	$561	999	40%
JONES	$737	$105	693	108%
LYMAN	$8,230	$1,174	1,118	28%
MELLETTE	$2,742	$391	637	37%
POTTER	$1,956	$279	53	17%
STANLEY	$15,538	$2,217	4,744	45%
SULLY	$193	$27	1,072	569%
TODD-TRIPP	$37,779	$5,389	1,431	18%
TOTAL	$180,948	$25,812	$24,605	28%
SEVENTH CIRCUIT:				
CUSTER	$17,062	$2,434	350	16%
FALL RIVER	$55,308	$7,890	40	14%
PENNINGTON	$337,737	$48,179	7,161	16%
TOTAL	$410,107	$58,503	$7,551	16%
EIGHTH CIRCUIT				
BUTTE	$36,818	$5,252	$3,373	23%
CORSON	$7,349	$1,048	1,597	36%
DEWEY	$0	$0	0	0%
HARDING	$2,369	$338	0	14%
LAWRENCE	$126,691	$18,073	491	15%
MEADE	$68,319	$9,746	5,648	23%
PERKINS	$10,876	$1,551	949	23%
ZIEBACH	$0	$0	330	N/A
TOTAL	$252,422	$36,008	$12,388	19%

Table 10. County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders

COURT-APPOINTMENT CASES AND COSTS

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIRST CIRCUIT:					
BON HOMME	$2,331	8	61	$291	13%
CHARLES MIX	$52,587	70	263	$751	27%
CLAY	$20,293	36	230	$564	16%
DOUGLAS	$15,990	1	20	$15,990	5%
HUTCHINSON	$5,441	6	77	$907	8%
LINCOLN	$25,614	24	159	$1,067	15%
TURNER	$12,348	6	51	$2,058	12%
UNION	$13,052	21	235	$622	9%
YANKTON	$24,375	118	550	$207	21%
TOTAL	$172,031	290	1,646	$593	18%
SECOND CIRCUIT:	$310,249	1,325	4,438	$234	30%
THIRD CIRCUIT:					
BEADLE	$43,252	63	284	$687	22%
BROOKINGS	$14,000	50	587	$280	9%
CLARK	$1,051	5	40	$210	13%
CODINGTON	$32,317	101	543	$320	19%
DEUEL	$2,689	12	99	$224	12%
GRANT	$8,952	19	122	$471	16%
HAMLIN	$1,198	1	45	$1,198	2%
HAND	$1,273	3	48	$424	6%
KINGSBURY	$9,481	14	59	$677	24%
TOTAL	$114,213	268	1,827	$426	15%
FOURTH CIRCUIT:					
AURORA	$5,431	10	37	$543	27%
BRULE	$41,138	63	146	$653	43%
BUFFALO	0	0	1	0	0%
DAVISON	$73,908	110	328	$672	34%
HANSON	$3,706	10	37	$371	27%
JERAULD	$1,586	6	41	$264	15%
LAKE	$11,789	33	202	$357	16%
MC COOK	$4,929	14	89	$352	16%
MINER	$1,851	3	24	$617	13%
MOODY	$19,269	35	113	$551	31%
SANBORN	$5,522	5	36	$1,104	14%
TOTAL	$169,129	289	1,054	$585	27%
STATE TOTALS:	$1,781,804	4,861	18,065	$367	27%

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIFTH CIRCUIT:					
BROWN	$95,253	150	741	$635	20%
CAMPBELL	$509	0	15	$0	0%
DAY	$9,095	41	208	$222	20%
EDMUNDS	$6,141	5	78	$1,228	6%
FAULK	$2,212	2	43	$1,106	5%
MARSHALL	$5,885	7	68	$841	10%
MC PHERSON	$418	1	17	$418	6%
ROBERTS	$30,330	110	298	$276	37%
SPINK	$12,669	19	125	$667	15%
WALWORTH	$10,203	25	225	$408	11%
TOTAL	172,705	360	1,818	$480	20%
SIXTH CIRCUIT:					
BENNETT	$9,653	57	227	$169	25%
GREGORY	$13,054	48	78	$272	62%
HAAKON	$4,190	5	35	$838	14%
HUGHES	$81,413	171	570	$476	30%
HYDE	$1,531	2	20	$766	10%
JACKSON	$3,932	7	117	$562	6%
JONES	$737	2	19	$369	11%
LYMAN	$8,230	27	70	$305	39%
MELLETTE	$2,742	23	45	$119	51%
POTTER	$1,356	14	90	$140	16%
STANLEY	$15,538	59	205	$263	29%
SULLY	$193	0	15	$0	0%
TODD-TRIPP	$37,779	69	243	$548	28%
TOTAL	180,948	484	1,734	$374	28%
SEVENTH CIRCUIT:					
CUSTER	$17,062	34	176	$502	19%
FALL RIVER	$55,308	136	336	$407	40%
PENNINGTON	$337,737	1401	3286	$241	43%
TOTAL	410,107	1,571	3,798	$261	41%
EIGHTH CIRCUIT:					
BUTTE	$36,818	35	221	$1,052	16%
CORSON	$7,349	0	26	$0	0%
DEWEY	$0	0	21	$0	0%
HARDING	$2,369	4	36	$592	11%
LAWRENCE	$126,691	111	756	$1,141	15%
MEADE	$68,319	107	492	$638	22%
PERKINS	$10,876	17	195	$640	9%
ZIEBACH	$0	0	3	$0	0%
TOTAL	252,422	274	1,750	$921	16%

Table 11. Average Cost per Court Appointment

MILEAGE BY CIRCUIT PERSONNEL FOR JUDICIAL FUNCTIONS

JUDGE OR MAGISTRATE	MILEAGE
First Circuit:	
Humphrey	12,486
Connelly	11,707
Tapken	8,648
Kern	7,219
Cody	6,080
Hertz	5,466
Marmet	4,285
Total	55,891
Second Circuit:	
Moan	11,178
Heege	2,336
Heuermann	498
Kean	376
Total	14,390
Third Circuit:	
Mydland	11,559
Bradshaw	6,938
Ries	6,459
Turbak	6,228
Hoyt	5,987
Martin	4,930
Brekke	4,169
Total	46,270
Fourth Circuit:	
Mc Murchie	8,598
Anderst	7,560
Sage	7,260
Iosty	6,230
Gerken	4,755
Kiner	700
Miller	572
Total	35,675

JUDGE OR MAGISTRATE	MILEAGE
Fifth Circuit:	
Berndt	12,576
Dobberpuhl	11,238
Evans	10,616
Ramynke	5,990
Lovrien	5,845
Gilbertson	5,400
Glynn	3,781
Olander	2,177
Total	57,623
Sixth Circuit:	
Mc Keever	10,857
Heck	10,691
Miller	6,189
Anderson	4,241
Talbott	3,742
Wendt	520
Total	36,240
Seventh Circuit:	
O'Connor	5,162
Grossheins	4,062
Konenkamp	1,841
Young	1,381
Tice	760
Davis	160
Total	13,366
Eighth Circuit:	
Tschetter	11,911
Moses	8,834
Johns	6,944
Severns	3,977
Johnson	2,326
Hoggatt	2,222
Total	36,214

Table 12. Travel Mileage by Judicial Personnel

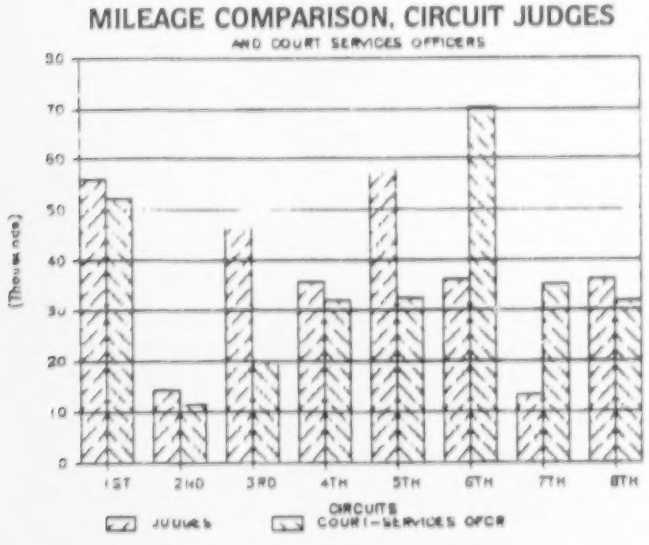


Chart 9. Mileage Comparison by Circuit

MILEAGE BY COURT SERVICES PERSONNEL FOR OFFICIAL FUNCTIONS

OFFICER	MILEAGE
First Circuit:	
McCabe	14,457
Lehr	14,203
Sondgeroth	7,556
Hall	5,479
Nelson	4,713
McNeely	2,920
Foltz	2,881
Total	52,209
Second Circuit:	
Wildes	2,735
Murphy	2,154
LeMair	1,510
Hurtgen	1,362
Weber	1,140
Battista	781
Adler	702
Hansen	639
Tracy	260
Jaqua	79
Bahnson	66
Total	11,428
Third Circuit:	
Payne	5,033
Goldsmith	4,048
Mead	2,775
Danforth	2,619
Nielan	1,890
Brenden	1,509
Kjellsen	1,364
Mielke	38
Total	19,276
Fourth Circuit:	
Rager	6,157
Janssen	9,322
Fraser	5,916
Johnson	4,265
Adair	2,715
Ibis	3,632
Total	32,007
Fifth Circuit:	
Simons	13,522
Brumbaugh	1,736
Melius	2,040
Chase	2,806
King	12,445
Total	32,549
Sixth Circuit:	
Bonenberger	20,649
Saffel	8,984
Parkinson	9,938
Bennett	17,704
Olson	9,470
McTighe	3,384
Total	70,129
Seventh Circuit:	
Nagel	15,537
Krosschell	6,627
LaPointe	3,676
Strackbein	2,827
Spencer	2,110
Fauss	2,029
Raue	96
Evans	2274
Total	35,176
Eighth Circuit:	
Oehlerking	10,560
Ziebell	7112
Hanson	7,213
Vodopich	4,120
Meyer	2,902
Total	31,907
State Total	284,681

Table 13. Court Services Travel Mileage

Tables 12 and 13, and chart 9, show the miles traveled by circuit personnel throughout the state in the performance of their professional duties. Judges and magistrates are listed in Table 12, and court services officers in Table 13. The tables list the two groups by circuit in the order of the most miles traveled. The chart shows the totals by circuit.

COUNTIES	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
	FILINGS UNDER $2,000	OTHER ADMIN. FILINGS	APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIRST CIRCUIT:																				
BON HOMME	4	42	1	15	1	1	5	17	12	0	7	230	12	218	64	3	0	15	0	17
CHARLES MIX	57	10	2	0	1	0	64	18	0	0	52	262	15	235	71	1	4	6	0	50
CLAY	28	96	3	1	3	1	110	50	1	8	34	361	34	319	69	7	7	8	1	12
DOUGLAS	2	24	0	0	0	0	19	3	0	0	5	89	0	81	30	4	1	1	0	6
HUTCHINSON	15	75	1	9	4	1	37	15	1	2	11	157	10	147	109	6	2	8	0	11
LINCOLN	50	109	1	12	5	0	131	49	11	1	33	205	18	108	26	6	4	10	0	33
TURNER	28	99	0	14	2	0	85	15	7	4	10	183	30	132	74	5	2	12	0	12
UNION	38	129	2	51	22	3	86	43	38	23	29	200	21	140	92	9	3	8	2	29
YANKTON	23	175	5	47	48	5	27	89	38	41	29	471	54	421	89	14	183	12	3	48
CIRCUIT TOTAL	245	757	15	149	88	11	564	299	108	77	210	2138	194	1781	524	55	206	80	6	238
SECOND CIRCUIT:	1989	1525	6	313	103	32	3043	756	257	53	556	2659	507	1793	456	88	101	99	54	474
THIRD CIRCUIT:																				
BEADLE	41	214	1	33	28	1	241	90	7	5	58	589	114	691	99	6	12	13	5	53
BROOKINGS	55	211	3	5	12	5	218	81	5	11	77	1133	123	958	113	10	7	12	3	136
CLARK	7	31	0	4	0	0	48	19	3	2	9	156	16	125	42	1	0	4	0	0
CODINGTON	75	285	7	30	18	20	398	126	41	23	213	1247	88	1022	124	9	11	22	1	103
DEUEL	32	75	1	2	1	0	57	17	1	0	14	153	7	148	35	0	0	5	0	18
GRANT	38	77	1	21	11	1	75	19	3	4	4	277	28	289	50	5	0	19	0	25
HAMLIN	12	31	0	0	2	1	37	10	0	0	9	131	10	102	45	2	0	3	0	14
HAND	12	41	2	21	12	2	65	7	6	2	2	219	21	227	41	3	1	8	3	5
KINGSBURY	23	54	2	15	8	1	51	17	7	10	7	105	14	92	68	7	4	10	1	17
CIRCUIT TOTAL	295	1019	17	131	92	31	1200	376	78	57	393	4010	419	3650	627	44	35	97	13	372
FOURTH CIRCUIT:																				
AURORA	10	19	1	9	2	0	15	9	8	1	7	54	4	52	28	0	0	4	1	4
BRULE	19	92	2	5	6	0	27	23	24	6	2	298	27	289	33	1	0	2	0	27
BUFFALO	3	5	1	1	1	0	2	5	1	0	4	10	1	9	5	0	0	0	0	0
DAVISON	105	187	2	28	18	5	148	95	38	25	14	919	147	682	118	8	11	18	3	70
HANSON	13	12	0	0	0	1	10	2	0	0	11	34	0	28	22	1	0	4	1	0
JERAULD	11	27	1	0	0	1	27	8	0	1	8	68	1	61	31	2	2	2	1	0
LAKE	38	71	1	21	1	1	37	35	13	19	7	312	38	372	84	5	6	9	0	16
MC COOK	18	59	3	0	0	0	40	13	2	0	10	193	16	158	47	3	0	2	0	19
MINER	15	25	1	13	1	0	22	4	0	3	0	89	15	71	35	1	2	2	0	3
MOODY	217	0	0	35	18	3	58	30	11	6	10	380	34	346	125	8	7	19	0	68
SANBORN	13	17	1	1	1	0	18	7	1	0	0	91	10	93	23	1	2	3	0	2
CIRCUIT TOTAL	460	514	13	111	48	11	404	230	98	61	73	2446	293	2159	551	31	30	65	6	209

Table 14. Civil Caseload by County
Fiscal Year 1986

COUNTIES	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
	FILINGS UNDER $2,000	OTHER ADMIN. FILINGS	APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIFTH CIRCUIT:																				
BROWN	212	417	4	89	18	3	525	179	72	23	160	1124	150	981	225	25	5	47	23	178
CAMPBELL	2	13	1	0	0	0	14	3	2	0	1	44	1	41	17	3	0	1	1	1
DAY	73	92	2	37	23	2	99	31	15	14	6	479	78	327	111	8	0	18	1	77
EDMUNDS	13	34	0	1	0	0	35	12	1	0	6	85	4	82	34	0	0	4	2	6
FAULK	0	21	0	3	0	0	23	7	3	3	1	54	10	43	21	0	0	1	0	1
MARSHALL	0	40	0	4	1	0	25	10	5	2	8	91	10	87	41	2	0	2	1	2
MC PHERSON	18	42	0	4	1	0	58	5	5	0	2	81	4	104	25	3	0	1	0	0
ROBERTS	50	78	1	1	2	0	65	41	2	1	34	223	11	214	44	3	1	3	3	87
SPINK	58	52	3	15	17	1	103	30	21	3	28	201	25	157	128	2	0	31	1	9
WALWORTH	7	75	0	4	0	0	70	28	0	1	15	181	20	145	52	1	4	5	2	79
CIRCUIT TOTAL	431	862	11	158	62	6	1015	344	126	47	257	2563	313	2181	698	47	10	113	34	440
SIXTH CIRCUIT:																				
BENNETT	15	26	3	3	0	1	25	7	1	1	6	134	10	133	10	0	0	0	0	14
GREGORY	7	38	0	3	2	2	58	23	0	0	17	195	17	182	41	1	1	8	1	17
HAAKON	6	20	1	4	2	0	13	5	2	0	0	97	11	84	18	1	1	6	0	5
HUGHES	72	228	24	42	18	3	238	78	8	5	48	1132	88	1115	49	13	8	12	7	55
HYDE	7	17	0	0	0	0	16	6	0	0	4	90	4	89	12	0	0	3	0	2
JACKSON	18	9	0	0	2	0	11	8	0	0	7	38	2	29	18	0	0	2	0	2
JONES	4	11	1	0	0	0	7	3	0	0	5	63	0	43	13	0	1	2	0	0
LYMAN	28	52	10	17	8	1	23	14	7	1	8	91	9	80	22	9	0	5	0	5
MELLETTE	14	22	0	6	2	1	24	10	4	0	8	17	2	20	12	0	0	1	2	2
POTTER	13	19	1	3	5	0	24	10	4	2	4	55	7	51	27	3	1	3	2	3
STANLEY	21	49	0	10	2	1	55	12	12	2	12	206	13	226	18	1	2	2	2	5
SULLY	14	16	0	0	0	0	23	3	0	1	3	66	2	63	12	1	0	0	0	0
TODD-TRIPP	42	97	7	2	1	1	123	82	2	1	37	254	14	253	79	4	8	13	1	40
CIRCUIT TOTAL	259	604	47	90	42	10	538	261	40	13	157	2438	179	2348	327	33	22	57	15	161
SEVENTH CIRCUIT:																				
CUSTER	29	59	31	4	0	0	41	45	0	2	21	208	29	128	38	1	1	11	1	28
FALL RIVER	0	165	7	53	46	0	82	64	2	7	50	261	27	250	53	4	6	11	3	32
PENNINGTON	386	1209	26	114	13	8	831	668	117	37	570	3491	680	2651	276	69	6	51	128	344
CIRCUIT TOTAL	415	1433	64	171	59	8	954	777	119	46	641	3958	736	3027	367	74	13	73	132	404
EIGHTH CIRCUIT:																				
BUTTE	30	118	4	0	0	0	74	50	0	0	43	267	5	216	64	3	9	5	1	34
CORSON	26	19	0	8	5	0	28	3	3	1	2	40	3	39	28	0	0	2	0	4
DEWEY	10	22	10	7	4	1	17	5	3	0	4	78	4	62	14	0	0	1	0	4
HARDING	2	15	0	3	7	0	2	1	1	0	0	29	2	29	23	0	0	3	0	3
LAWRENCE	47	239	20	24	27	4	230	119	3	3	94	676	135	859	102	20	14	32	3	69
MEADE	32	137	11	34	38	4	124	91	80	18	111	452	63	407	91	17	29	25	3	50
PERKINS	16	35	4	0	2	0	36	25	3	0	12	55	9	41	39	6	5	4	1	4
ZIEBACH	0	9	0	0	0	0	0	3	0	0	0	7	0	4	13	1	0	0	0	0
CIRCUIT TOTAL	163	592	49	76	83	9	511	297	73	22	266	1602	221	1657	372	47	57	72	8	168
STATE TOTALS	4257	7306	222	1199	573	116	8329	3340	899	378	2553	21814	2862	18596	4022	419	474	656	288	2466

Table 14. Civil Caseload by County
Fiscal Year 1986

COUNTIES	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	PETTY OFFENSE FILINGS	FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	PRE-FIL-INGS	LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	PRE-FIL-INGS	LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIRST CIRCUIT:																	
BON HOMME	3	637	606	26	2	50	5	46	7	2	0	11	4	6	2	3	0
CHARLES MIX	9	1049	923	62	16	211	20	185	27	1	0	52	14	21	17	1	3
CLAY	2	2257	2100	50	28	184	30	171	11	1	9	46	8	30	5	0	0
DOUGLAS	1	331	325	6	3	15	1	7	2	0	0	5	0	0	4	0	1
HUTCHINSON	4	831	782	16	8	65	7	58	9	0	0	12	2	4	7	1	0
LINCOLN	22	3505	3192	41	36	133	27	96	14	1	1	26	3	13	8	0	0
TURNER	5	726	684	19	2	43	5	33	2	0	1	8	1	5	1	1	1
UNION	11	4917	4626	46	17	193	29	151	22	1	2	42	13	17	13	0	1
YANKTON	10	3567	3237	93	48	386	140	346	60	4	6	164	42	29	65	0	1
CIRCUIT TOTAL	68	17820	16475	359	160	1280	264	1093	154	10	19	366	87	125	122	6	7
SECOND CIRCUIT:	393	40299	33308	4270	1068	3602	637	2385	1107	20	19	836	119	216	423	3	18
THIRD CIRCUIT:																	
BEADLE	6	3398	3249	82	37	223	56	164	35	1	10	61	20	23	14	0	7
BROOKINGS	12	3980	3563	53	48	522	90	444	43	1	1	65	21	23	29	1	1
CLARK	3	561	517	25	7	24	2	17	6	0	4	16	0	0	1	3	0
CODINGTON	23	5061	4846	139	41	453	83	349	71	7	4	90	24	53	27	1	0
DEUEL	3	788	753	14	2	74	13	46	19	1	1	25	6	11	14	1	1
GRANT	4	449	433	22	6	71	4	56	12	1	0	51	5	27	29	1	0
HAMLIN	2	679	647	18	4	41	10	33	8	1	1	4	1	1	3	0	1
HAND	0	603	550	27	9	43	3	27	9	0	0	5	0	2	8	0	0
KINGSBURY	2	740	691	24	6	49	11	35	5	2	2	10	2	6	1	0	0
CIRCUIT TOTAL	55	16259	15249	404	160	1500	272	1173	210	14	23	327	79	146	126	7	10
FOURTH CIRCUIT:																	
AURORA	8	629	630	9	2	29	6	23	6	1	0	8	0	2	5	0	0
BRULE	2	1049	964	14	2	114	33	87	17	1	6	32	4	12	4	0	0
BUFFALO	0	22	19	1	0	1	0	1	0	0	0	0	0	0	0	0	0
DAVISON	15	3817	3505	284	61	267	30	191	60	1	1	62	14	19	31	0	2
HANSON	4	268	256	4	0	30	6	13	7	0	0	7	4	4	3	0	0
JERAULD	3	456	433	1	2	32	4	29	3	0	0	9	1	1	0	0	0
LAKE	19	1448	1317	153	12	180	62	141	34	1	2	22	13	10	9	0	2
MC COOK	1	830	781	18	11	69	20	59	15	2	1	20	0	2	19	0	0
MINER	0	539	521	15	2	24	7	19	3	0	0	0	0	0	0	0	0
MOODY	10	2682	2479	62	13	89	26	77	14	0	2	24	9	9	9	0	0
SANBORN	0	509	495	9	1	32	4	21	9	0	0	4	0	1	3	0	0
CIRCUIT TOTAL	62	12249	11400	570	106	866	198	661	168	5	12	188	45	60	83	0	4

Table 15. Criminal Caseload by County
Fiscal Year 1986

COUNTIES	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	PETTY OFFENSE FILINGS	FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIFTH CIRCUIT:																	
BROWN	38	7225	6817	240	80	576	69	419	109	3	2	165	32	77	71	0	7
CAMPBELL	0	177	161	7	0	12	0	11	0	0	0	3	0	0	0	0	0
DAY	5	1176	1011	69	5	125	13	87	27	2	1	83	7	21	49	3	2
EDMUNDS	3	844	778	28	4	72	6	52	5	0	0	6	0	3	9	0	1
FAULK	0	374	375	4	0	38	1	28	1	0	0	5	0	1	1	0	0
MARSHALL	1	328	301	28	2	65	5	51	6	0	0	3	0	2	3	0	0
MC PHERSON	1	118	112	4	0	14	2	14	1	0	0	3	0	0	1	0	0
ROBERTS	3	1896	1751	91	8	193	30	129	40	4	0	105	14	44	48	0	1
SPINK	41	1645	1566	41	6	94	13	71	5	0	0	31	0	17	4	0	0
WALWORTH	4	1384	1258	59	4	193	14	159	19	1	0	32	5	11	20	0	1
CIRCUIT TOTAL	96	15167	13928	571	109	1382	153	1021	213	10	3	436	58	176	206	3	12
SIXTH CIRCUIT:																	
BENNETT	1	812	729	22	7	156	7	64	19	0	1	61	4	10	9	0	0
GREGORY	4	477	475	5	0	60	10	48	5	0	1	18	6	7	3	0	1
HAAKON	2	175	173	3	2	26	5	23	2	0	4	9	3	2	2	0	2
HUGHES	7	2587	2184	120	122	481	194	406	45	5	13	89	48	67	18	0	2
HYDE	0	244	211	16	0	14	1	11	3	0	0	6	1	1	5	0	0
JACKSON	1	992	895	22	1	99	5	28	12	1	2	18	1	0	5	1	2
JONES	9	356	335	5	1	9	3	5	3	0	1	10	2	2	1	0	1
LYMAN	0	1147	1168	5	1	58	8	49	9	0	1	12	5	9	5	0	0
MELLETTE	0	172	156	1	0	41	20	25	4	0	0	4	3	2	1	0	0
POTTER	1	475	384	18	0	73	7	45	3	0	0	17	2	3	4	0	0
STANLEY	2	1457	1329	39	23	182	49	140	17	1	4	23	7	7	7	0	1
SULLY	0	287	243	6	0	13	5	11	0	0	1	2	0	0	1	0	0
TODD-TRIPP	4	1420	1322	51	4	205	56	157	30	1	3	38	20	23	15	0	5
CIRCUIT TOTAL	31	10581	9604	313	161	1427	370	1012	152	8	31	307	102	133	76	1	14
SEVENTH CIRCUIT:																	
CUSTER	8	1156	1066	51	5	151	30	104	24	1	2	25	6	7	8	1	2
FALL RIVER	8	1775	1532	154	3	281	65	179	59	0	5	55	13	6	28	2	2
PENNINGTON	564	19589	16797	2566	301	2457	1063	1660	933	15	35	829	476	210	216	9	47
CIRCUIT TOTAL	580	22520	19395	2771	309	2889	1158	1943	316	16	42	909	495	223	252	12	51
EIGHTH CIRCUIT:																	
BUTTE	4	1054	957	38	13	188	37	133	43	1	5	33	6	12	9	1	3
CORSON	2	397	387	5	3	23	1	17	2	0	0	3	1	2	0	0	1
DEWEY	0	188	183	7	0	16	1	15	2	0	0	5	0	4	2	0	0
HARDING	2	639	580	18	0	36	7	32	2	0	1	0	0	0	0	0	0
LAWRENCE	56	3997	4140	238	9	629	3	492	70	10	10	127	3	59	40	2	3
MEADE	63	4757	4489	292	41	400	57	328	100	0	6	32	23	41	43	1	1
PERKINS	9	546	512	8	4	151	9	64	12	2	1	44	9	14	8	2	0
ZIEBACH	3	182	157	2	1	3	1	1	1	0	0	0	0	0	0	0	0
CIRCUIT TOTAL	139	11740	11405	608	71	1446	116	1082	232	13	23	304	42	132	102	6	8
STATE TOTALS	1424	146635	130784	9868	2144	14392	3168	10370	3152	97	172	3673	1027	1211	1390	38	124

Table 15. Criminal Caseload by County
Fiscal Year 1986

CIVIL FILINGS AND DISPOSITIONS BY FISCAL YEAR

CIVIL ACTION CATEGORY	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986
CIVIL Filings	10,072	11,100	10,686	11,511	11,785
Defaults	8,754	7,188	7,927	8,070	8,329
Trials & Disp. Hearings	1,393	1,726	1,843	1,826	1,890
DIVORCE Filings	3,330	3,208	3,216	3,241	3,340
Defaults	2,634	2,608	2,369	2,707	2,553
Contested	778				
Trials and Hearings*		1,134	1,138	1,314	1,275
Granted (Calendar Year)**	2,564	2,556	2,498	2,566	N/A
SMALL CLAIMS Filings	17,391	18,942	19,259	19,961	21,814
Defaults	14,383	15,763	16,152	16,897	18,598
Contested	2,167	2,275	2,288	2,590	2,862
MISCELLANEOUS Filings	7,219	7,683	7,640	7,945	8,037
Probate	4,002	3,986	4,192	3,999	4,022
Adoption	458	523	437	419	419
Mental Illness	546	578	494	520	474
Guardianship	649	605	626	665	656
Juvenile Petitions	1,564	1,991	1,891	2,342	2466

* May include related hearings (child support, property, etc.).

** Under DIVORCE filings, the number of divorces and separations granted is provided by the Office of Vital Statistics, where the data are compiled on a calendar year basis. During the four years previous to calendar year 1985, there has been a steady decline in the number of requests granted by the courts. In 1985, there was a slight increase.

Table 16. Civil Caseload Summary

Civil Caseload

Table 16, above, shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported and shown. In the miscellaneous categories, only filings are reported.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as a civil contest.

There are still some problems in the civil case reporting process. The reporting system is not automated. The data are compiled manually, and the process of reporting and compilation is not consistent from circuit to circuit.

When reporting civil caseload statistics, the clerks often rely on court reporters or judges to provide them with important reporting data. The clerks are not always aware of all the hearings involved in these cases if the information is not properly filed.

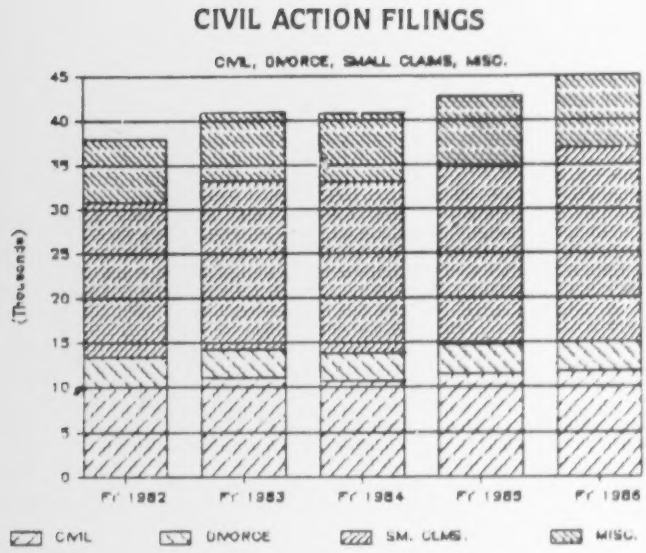


Chart 10. Civil Filings: Civil Actions, Divorce, Small Claims, Misc.

Chart 10, which illustrates total civil filings, shows that the number of such filings increased again during the past fiscal year, primarily in the area of small claims actions. The juvenile petitions reported under the miscellaneous heading are those that are filed and compiled through the clerks offices. There is, in addition to this, a separate computerized reporting system for juvenile filings which is processed through the court services offices.

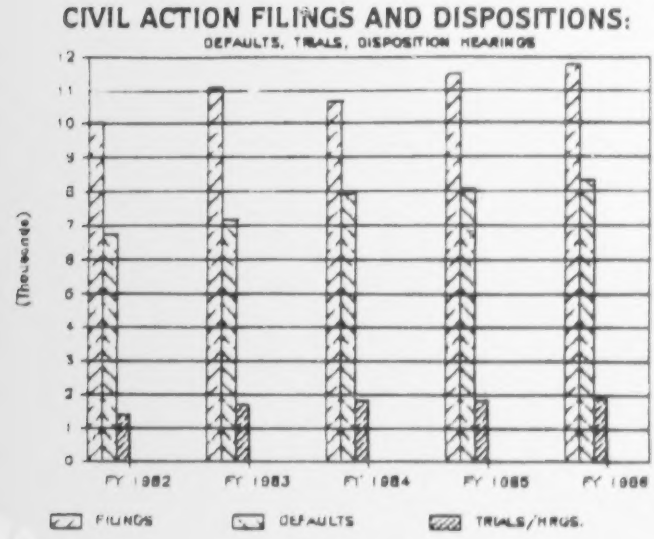


Chart 11. Civil Action Filings and Dispositions

The number of civil lawsuit filings, as shown in Chart 11, has increased slightly during each of the past two fiscal years. The marked increase for FY 1984 in the "defaults" category, which includes dismissals, reflects the impact of a Supreme Court order to permit dismissal of civil cases that remain inactive for over a year. For FY 1986, default dispositions, as well as trials and hearings, increased slightly over the previous year.

After fiscal year 1983, trials and dispositional hearings are reported separately. They are combined here in order to make them comparable with previous years.

The number of small claims filings--as distigulshed from general civil contests, above--is shown in Chart 12. The gradual increase in the number of contested small claims cases during the five-year period shown, and especially the increase in both filings and defaults during the past fiscal year, is probably a reflection of the deepening economic problems in the farm economy.

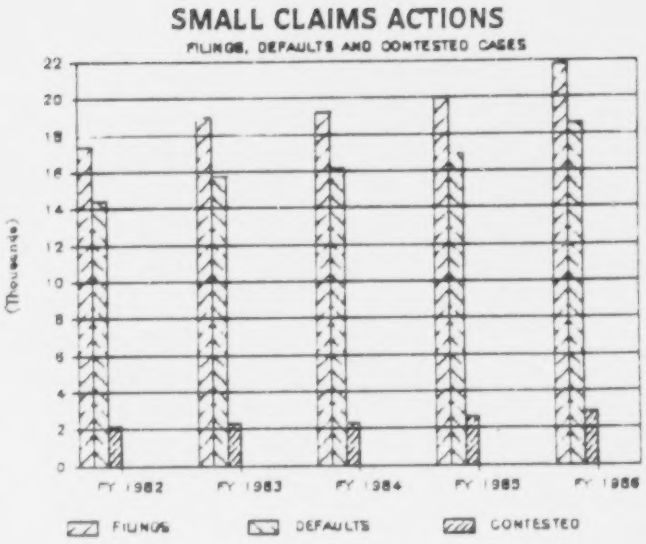


Chart 12. Small Claims Actions

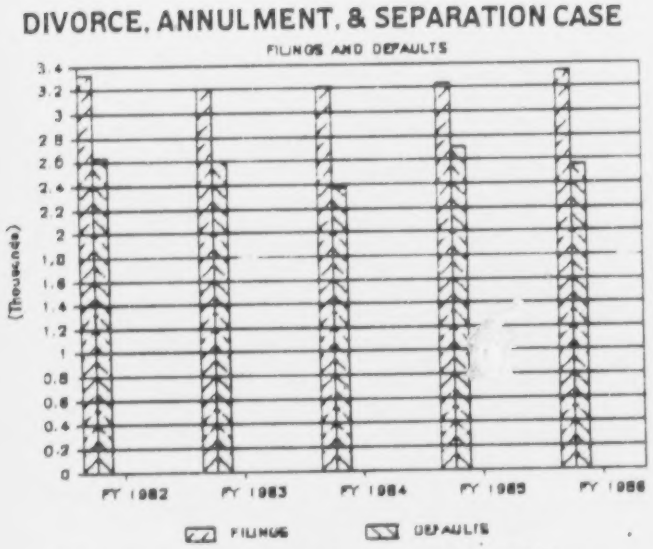


Chart 13. Marriage Dissolution Filings and Defaults

Filings and defaults in divorce, annulment, and separation cases are shown in Chart 13. These are also not included in the number of general civil contests shown in Chart 11. These data include hearings on requests to modify child custody. These are reported as new filings if there has been no related divorce case previously filed.

CRIMINAL CASELOAD SUMMARY

CATEGORY	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986
CLASS-TWO MISDEMEANOR					
Filings	122,327	122,364	130,520	141,024	146,635 *
Guilty Pleas	110,503	108,520	114,158	123,036	130,764
Dismissals	10,852	11,523	11,967	13,720	9,866
Trials	2,259	2,167	1,439	1,631	2,144
Suspended Impositions	394	380	318	331	139
Speeding Offenses	58,227	56,370	61,243	68,470	77,746
CLASS-ONE MISDEMEANOR					
Filings	10,218	12,897	15,192	14,821	14,392
Preliminary Hearings	1,618	1,634	2,553	2,455	3,168
Guilty Pleas	8,134	9,943	11,469	11,250	10,370
Dismissals	1,417	1,572	1,938	2,268	3,152
Trials	238	234	310	220	269
Suspended Impositions	430	802	848	581	656
DUI Offenses	5,692	8,076	10,081	9,054	8,907
FELONY					
Filings	2,921	2,741	2,606	3,088	3,673
Preliminary Hearings	1,005	793	704	853	1,027
Guilty Pleas	1,633	1,635	1,072	1,168	1,211
Dismissals	1,046	1,038	961	1,208	1,390
Trials	160	152	160	154	162
Suspended Impositions	410	404	387	422	452

* Prior to 1986, felony filings did not include unterminated cases.

Table 17. Criminal Caseload Summary

Criminal Caseload

Table 17 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. petty offenses, which are technically civil cases, are included in the main category of class-two misdemeanor filings. Speeding violations (filings) are shown separately, but are also included in all the preceding totals for class-two misdemeanors. Speeding violations comprise over half of these.

Class-two misdemeanors include most traffic offenses. Other (non-traffic) offenses in this category include disorderly conduct, certain drug possession charges, and bad check offenses involving $100 or less. A summary of traffic offenses and fines is presented in the table on page 49.

In the same manner as speeding offense statistics, the numbers of DUI filings shown in the table above are included in the filing and dispositional information for class-one misdemeanors. DUI violations here include both first and second time offenders as charged by the state's attorney. The third offense DUI is a felony. (Table 18 contains complete DUI data).

Selected information from the table above, comparing data for the period of five fiscal years, is shown on the following charts.

The felony caseload summary in Chart 14 shows a 40% increase in felony filings from FY 1984 to FY 1986. The reason for this sharp increase is that, the computer program producing data for this annual report previously counted only those cases that had been terminated during the fiscal year. The program has now been changed to count all filings for the fiscal year. Many of these violations filed toward the end of the fiscal year will not be disposed of until the early part of FY 1987.

Regardless of this change, there is a noticeable increase in the number of felony cases being processed statewide. All categories of felony disposition show an increase this year, as well as preliminary hearings. Guilty pleas have risen about 4% and dismissals are up 15%. These same categories of disposition increased 9% and 25%, respectively, from FY 1984 to FY 1985, indicating an increasing felony caseload, after a decreasing trend in previous years.

The continuing increase in dismissals--in both felony and class-one misdemeanor cases--may be, in part, a reflection of the number of plea bargains negotiated by prosecuting attorneys. In these cases, the prosecutor may dismiss one charge and accept a guilty plea to a lesser charge if he feels there is a low probability of conviction.

The increase in dismissals may also be the result of the prosecution's continuing effort to comply with the Supreme Court's rule that all criminal cases must be terminated within 180 days from the time the defendant first appears in court.

The comparison of trials for felony and class-one misdemeanor cases shown in Chart 15 indicates that class-one trials have increased significantly statewide, while overall class-one filings have decreased slightly. Felony trials have remained fairly stable over the past five years.

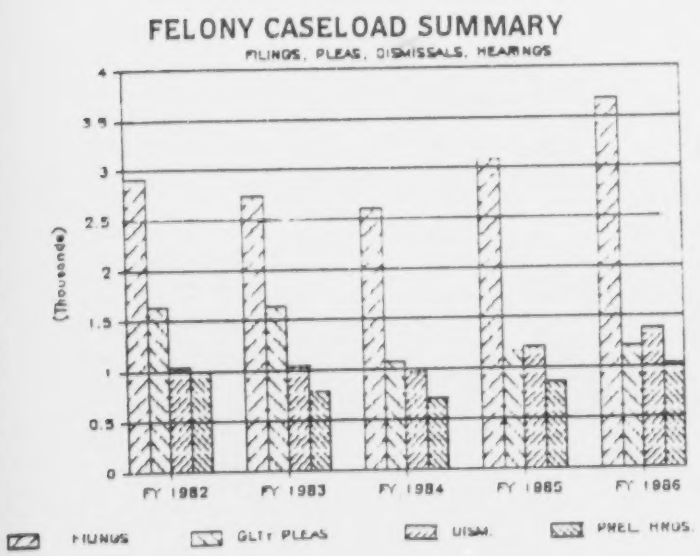


Chart 14. Felony Caseload

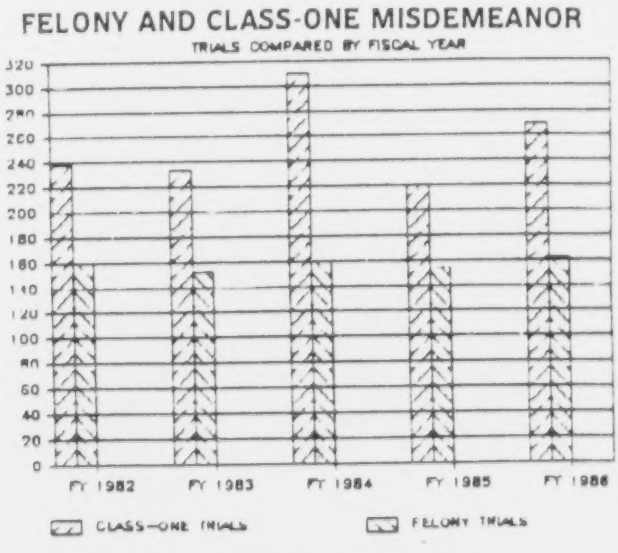


Chart 15. Felony and Class-One Misdemeanor Trials

Chart 16 shows the decrease in filings and guilty pleas for class-one misdemeanors during the year. Other dispositions--suspended impositions of sentence, trials, and particularly dismissals--increased significantly during the same period, as did preliminary hearings. This would indicate that more defendants are contesting their cases, going through the preliminary hearing process and going to trial.

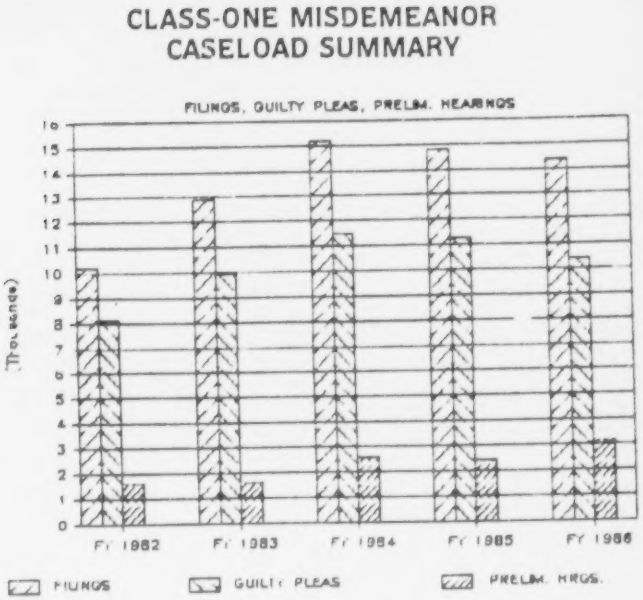


Chart 16. Class-One Misdemeanor Caseload

Chart 17 shows that DUI class-one filings have remained steady during the past fiscal year, despite another small decrease in overall class-one misdemeanor actions. This is the second year of decline in DUI prosecutions, albeit a very small drop.

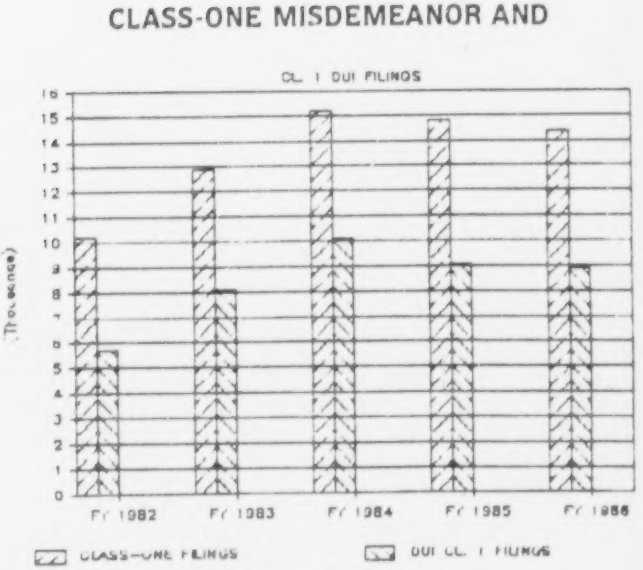


Chart 17. Class-One Misdemeanor and DUI Filings

DUI VIOLATIONS SUMMARY

	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986
FILINGS					
DUI One	5152	7265	9035	7874	7475
DUI Two	540	811	1046	1180	1432
DUI Three	189	184	228	318	491
TOTAL	5881	8260	10309	9372	9398
GUILTY PLEAS					
DUI One	3871	5417	6606	5510	4832
DUI Two	423	589	789	806	845
DUI Three	104	77	110	147	167
TOTAL	4398	6083	7505	6463	5844
DISMISSALS					
DUI One	900	1072	1354	1666	1809
DUI Two	98	181	207	307	470
DUI Three	51	62	65	87	178
TOTAL	1049	1315	1626	2060	2457
SUSPENDED IMPOSITION					
DUI One	211	551	707	404	430
DUI Two	3	10	3	16	31
DUI Three	22	27	32	48	54
TOTAL	236	588	742	468	515
CONVICTIONS AT TRIAL					
DUI One	120	142	167	128	147
DUI Two	13	19	25	20	24
DUI Three	9	3	9	14	15
TOTAL	142	164	201	162	186
ACQUITTALS AT TRIAL					
DUI One	16	40	66	47	40
DUI Two	0	6	5	9	8
DUI Three	1	1	1	6	6
TOTAL	17	47	72	62	54

Table 18. DUI Violations Summary

DUI Caseload

The majority of class-one misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, for fiscal years 1982 through 1986 are shown on Table 18. Selected segments of the data above are shown in the comparative bar charts that follow.

Examination of the information in the table above shows that first-offense DUI (DUI One) filings, guilty pleas, and acquittals-at-trial have decreased during this fiscal year, while the other three types of dispositions for this category of offense have increased. For second offense (DUI-Two) and other multiple offense (DUI-Three) prosecutions, all disposition categories show an increase with the exception of acquittals-at-trial. DUI-Three violations are felonies.

Chart 18 presents a bar-chart summary of all DUI offenses for FY 1986. Guilty pleas continue a pattern of decline while dismissals show a five-year gradual rising trend. For the past two fiscal years, this increase in dismissals is contrary to the overall direction of DUI activity, which has ceased the steady rise it displayed from 1980 to 1984. It is particularly noteworthy that dismissals of felony DUI, as shown on the chart (DUI-Three),have doubled from the last fiscal year.

Although dismissals continue to increase, a substantial number of DUI dismissals are the result of the defendant pleading guilty to a lesser charge--commonly reckless driving, which is also a class-one misdemeanor. This happens if the prosecutor believes that the state's evidence is not adequate for a DUI conviction and he is willing to negotiate a guilty plea for a charge of reckless driving. Conviction for more than one reckless driving violation within a one year period will result in suspension of the violator's driving license for a minimum of thirty days.

Chart 19 shows a comparison of the remaining dispositions from Table 17, which are suspended impositions of sentence and trial results, for all DUI offenses. The chart shows that suspended impositions of sentence, discussed in some detail on page 47, after a sharp decline last year, are again on the rise, as are trial convictions.

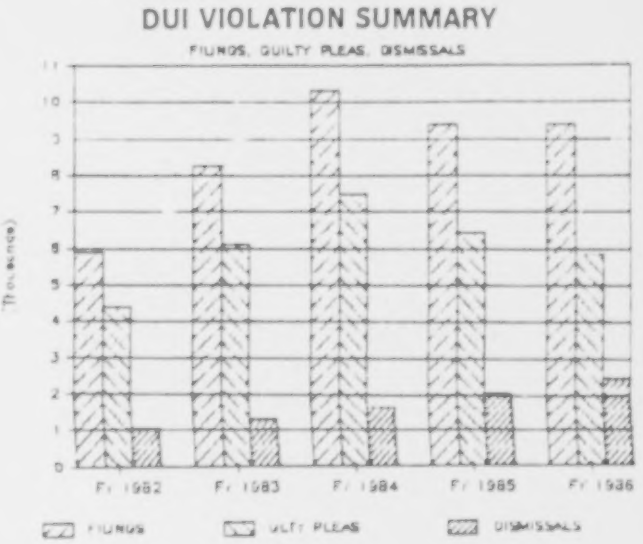


Chart 18. DUI Violations Summary, Filings, Guilty Pleas, and Dismissals

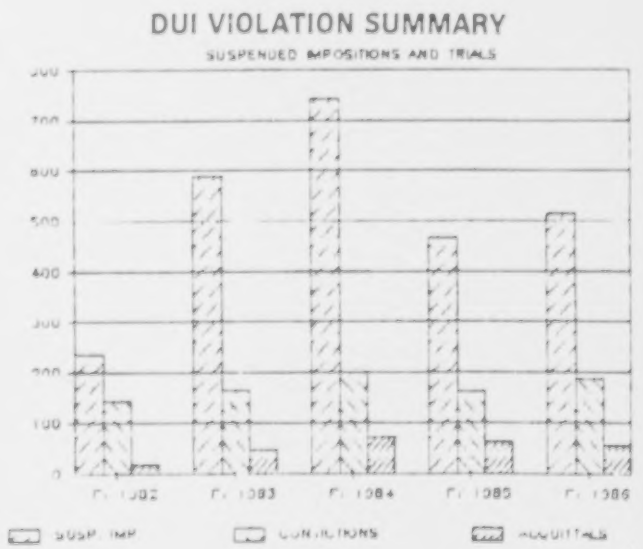


Chart 19. DUI Violations Summary, Suspended Impositions of Sentence and Trials

FY 1986
DUI DISPOSITIONS
BY COUNTY AND CIRCUIT

	TOTAL	GUILTY PLEAS	DISMISSALS	TRIALS ACQUITTALS	TRIALS CONVICTIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIRST CIRCUIT:						
BON HOMME	38	33	2	0	0	1
CHARLES MIX	148	110	24	0	1	0
CLAY	148	101	18	3	8	13
DOUGLAS	5	5	0	0	0	0
HUTCHINSON	35	29	5	0	0	1
LINCOLN	72	38	10	0	1	19
TURNER	27	18	4	1	0	3
UNION	132	88	34	0	2	4
YANKTON	382	226	103	1	9	8
TOTAL	983	648	199	5	19	47
SECOND CIRCUIT:						
MINNEHAHA	839	528	328	2	4	17
SIOUX FALLS*	1471	752	599	5	13	41
TOTAL	2410	1280	925	7	17	58
THIRD CIRCUIT:						
BEADLE	150	118	19	5	6	1
BROOKINGS	301	285	12	0	4	0
CLARK	18	11	5	1	0	0
CODINGTON	271	212	48	2	5	4
DEUEL	48	31	12	0	0	2
GRANT	32	27	5	0	0	0
HAMLIN	23	18	3	0	1	0
HAND	21	19	2	0	0	0
KINGSBURY	28	21	3	1	2	0
TOTAL	888	742	107	9	18	7
FOURTH CIRCUIT:						
AURORA	20	15	4	0	0	0
BRULE	56	48	5	0	1	0
BUFFALO	0	0	0	0	0	0
DAVISON	118	98	10	0	2	3
HANSON	9	7	2	0	0	0
JERAULD	29	20	8	0	0	1
LAKE	91	73	13	1	1	2
MC COOK	41	27	8	2	1	1
MINER	20	17	2	0	0	0
MOODY	67	50	13	1	2	0
SANBORN	21	11	10	0	0	0
TOTAL	470	367	75	4	7	7

	TOTAL	GUILTY PLEAS	DISMISSALS	TRIALS ACQUITTALS	TRIALS CONVICTIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIFTH CIRCUIT:						
BROWN	293	201	75	0	0	13
CAMPBELL	9	2	7	0	0	0
DAY	68	53	8	1	2	4
EDMUNDS	29	24	5	0	0	0
FAULK	18	14	4	0	0	0
MARSHALL	43	41	2	0	0	0
MC PHERSON	10	7	3	0	0	0
ROBERTS	94	84	4	0	2	2
SPINK	48	41	2	0	0	0
WALWORTH	148	124	15	0	2	6
TOTAL	782	591	125	1	6	25
SIXTH CIRCUIT:						
BENNETT	72	33	28	1	0	2
GREGORY	36	21	14	0	0	0
HAAKON	18	15	0	1	1	1
HUGHES	308	228	60	1	11	0
HYDE	11	10	1	0	0	0
JACKSON	24	18	5	0	1	0
JONES	8	4	1	0	1	1
LYMAN	30	25	4	1	0	0
MELLETTE	20	18	2	0	0	0
POTTER	35	23	12	0	0	0
STANLEY	125	51	71	3	0	0
SULLY	6	4	1	0	0	0
TODD	4	1	3	0	0	0
TRIPP	107	68	36	2	1	0
TOTAL	804	519	236	9	15	4
SEVENTH CIRCUIT:						
CUSTER	92	70	15	1	2	0
FALL RIVER	177	118	24	1	2	8
PENNINGTON	70	29	17	4	13	7
RAPID CITY*	1679	814	576	8	63	154
TOTAL	2018	1031	632	14	80	169
EIGHTH CIRCUIT:						
BUTTE	133	78	23	0	5	27
CORSON	14	9	0	0	1	4
DEWEY	7	6	1	0	0	0
HARDING	29	15	2	1	0	11
LAWRENCE	478	308	42	2	9	100
MEADE	345	204	87	1	5	45
PERKINS	58	48	4	1	3	2
ZIEBACH	0	0	0	0	0	0
TOTAL	1062	668	159	5	24	186
STATE TOTALS:	9398	5844	2457	54	186	515

Table 19 contains DUI filings and dispositions for Fiscal Year 1986, by county and circuit. Filings in the second circuit have increased by one-third over the previous fiscal year. Also, the number of filings remains very high in Lawrence and Meade Counties as compared to counties of similar population, such as Davison or Codington. Hughes and Yankton Counties also have a relatively high number of filings.

Table 19. DUI Filings and Dispositions by County

Suspended Impositions

After a defendant's first conviction, either by guilty plea or at trial, the judge may decide to suspend the imposition of sentence according to SDCL 23A-27-13 and -14. These laws permit the judge, if he decides that it is in the interest of justice and the good of the community, to require the defendant to fulfill certain conditions, including the possibility of both a fine and jail-time, after which the defendant is discharged and the court orders that his record be sealed.

According to SDCL 23A-27-17, "the effect of such order is to restore such person, in the contemplation of the law, to the status he occupied before his arrest. . . ." For all practical purposes, the sealing of the record means it is as though the defendant was never convicted, with one exception. According to SDCL 23A-27-16, a record is kept by the State Division of Criminal Investigation "solely for use by law enforcement agencies, prosecuting attorneys, and courts in sentencing such person for subsequent offenses."

The suspended imposition of sentence is provided to help those citizens who have been convicted of their first crime, but are sufficiently law-abiding and responsible, in the judgment of the court, that they should be reinstated fully after a reasonable punishment. According to SDCL 23A-27-14, the procedure involved in the suspended imposition of sentence "may occur only once with respect to any person."

The indicators on chart 20 show that there has been a small increase in the number of suspended impositions of sentence rendered for class-one misdemeanors and felonies in fiscal 1986, and a decrease in this category for class-two misdemeanors.

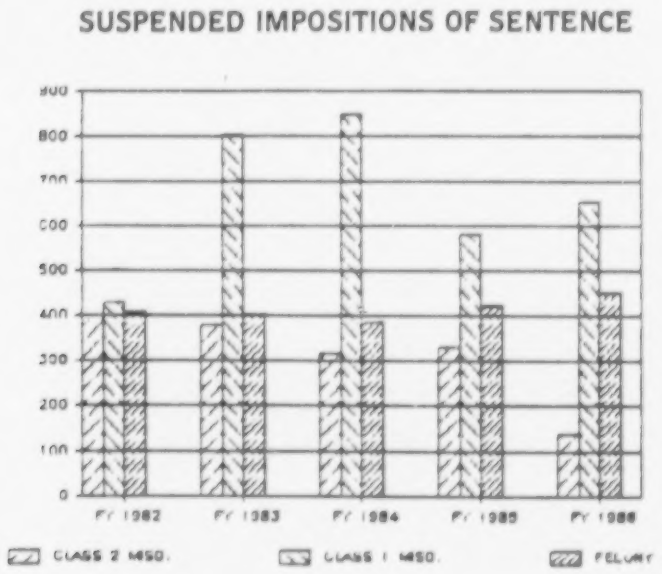


Chart 20. Suspended Imposition of Sentence

CLASS-TWO MISDEMEANOR CASELOAD SUMM.

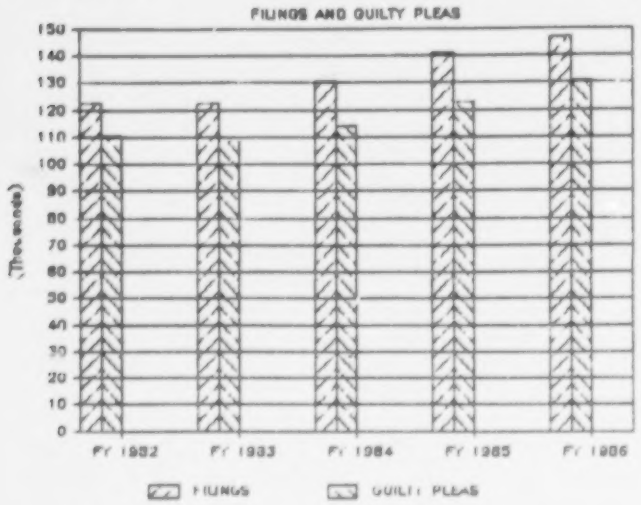


Chart 21. Class-Two Misdemeanor Caseload Filings and Guilty Pleas

CLASS-TWO MISDEMEANOR CASELOAD SUMM.

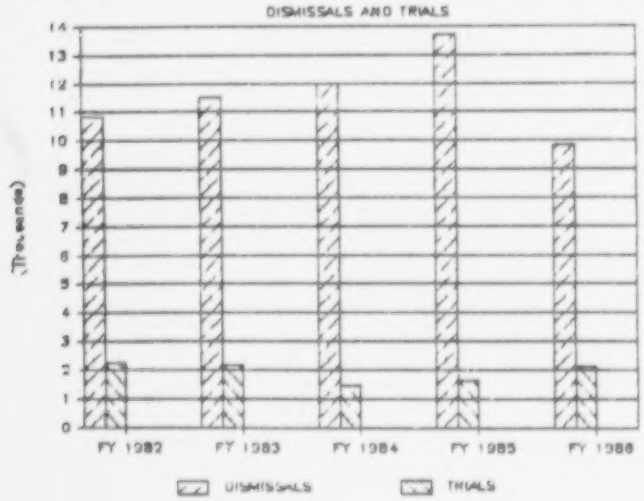


Chart 22. Class-Two Misdemeanor Caseload, Dismissals and Trials

Class-Two misdemeanors

Chart 21 shows that the number of class-two misdemeanor filings has been increasing steadily during the past several years, while Chart 22 shows that dismissals of class-two violations dropped to a five-year low. The number of trials rose slightly.

The decrease in dismissals probably reflects the completion of the purging from active records, as authorized by Supreme Court Rule, of those traffic cases in which the defendant failed to appear or pay the fine for a period of six months.

In these cases, the defendant's driver's license is suspended by the Department of Driver Improvement and the case is removed from active court files. In order to have his license reinstated, the defendant must first have the court issue an order to reinstate the license. Then, he must pay a substantial cash penalty to the Department of Commerce and Regulation. The defendant also faces the possibility of an additional criminal charge for his failure to appear in court on the original violation.

Table 20 lists class-two misdemeanor traffic violations for the fiscal year. Those showing an SDCL prefix of 99 are municipal violations.

TRAFFIC VIOLATION SUMMARY
FY 1986

Offense	SDCL Code	Number of Offenses	Total Fine Amount
Speeding	32-25-4,17	77,746	$1,952,221
Parking, Standing	99-1-4	8,250	$70,584
Failure to stop	32-29-2.1	4,813	$103,431
No Drivers License	32-12-22	4,054	$95,990
Overweight on Axle	32-22-16	3,551	$533,066
Open Container	32-1-9.1	2,573	$81,727
No license Plates	32-5-98	2,560	$59,616
Revoked License	32-12-65	1,425	$40,478
Flashing Red Light	32-28-6	1,390	$31,270
Suspended License	32-12-65	1,378	$60,477
Warning Ticket	99-1-2	1,287	$21,870
Exhibition Driving	99-1-52	1,268	$32,320
Disobey Traffic Sign	99-1-11	1,186	$25,193
Comp Certificate	32-9-1,45	841	$64,011
Illegal Turn	32-26-17,19	830	$17,892
No Motorcycle Driver License	32-20-2	745	$19,630
Careless Driving	99-1-53	687	$23,794
Yield Right of Way	32-26-13,16	650	$17,116
Exhibition Driving	32-24-9	619	$14,417
Illegal Passing	32-26-26,39	615	$18,352
Overdriving Road Conditions	32-25-3	606	$14,975
License Possession	32-12-39,40	587	$3,096
Unsafe driving	99-1-16	567	$13,907
Registration	32-10-34	545	$33,349
Follow too Closely	32-26-40,42	493	$13,034
Careless Driving	32-24-8	485	$19,375
Truck Fuel Tax	10-49-1,21	471	$39,571
Accident Reporting	32-34-7	421	$22,223
Yield Right of Way	32-29-6	405	$11,437
Overweight Truck	32-9-14	395	$32,826
Exhibition Driving	99-1-9	374	$10,049
Eye Protection	32-20-4.1	371	$4,396
Stop for School Bus	32-32-6	320	$16,256
Wrong Side of Road	32-26-1,3	318	$6,982
Illegal U-Turn	32-26-25	301	$5,458
Wrong-Way One-Way	99-1-40	301	$5,742
Promise to Appear	32-33-2	282	$3,614
Oversize/Overweight	32-22-52	280	$24,692
Minor without Helmet	32-20-4	260	$4,002
Head Lamp Violations	32-17-1,27	232	$3,764
Accident Reporting	99-1-17	199	$7,469
Unsafe Backing	32-30-20,21	197	$5,239
Crossing Median	32-26-9	193	$6,214
Turn on Red Light without Stopping	99-1-51	181	$3,997
Weigh Station	32-33-17	154	$12,016
Careless Driving	99-1-10	153	$6,380
Trailer Chains	32-19-9	146	$3,836
Rear Lamp Violations	32-17-1,27	144	$1,984
Flashing Stop Light	99-1-50	142	$3,216
Stop at Driveway	99-1-45	140	$3,744
Comply with Officer	32-21-30	131	$1,652
License Expiration	32-12-42	130	$2,459
Muffler Cut-out	32-15-17	128	$2,038
Illegal Lane Change	32-26-6	126	$3,322
Substitute Plates	32-5-103	125	$6,443
Deviating	99-1-39	98	$2,580
No Stop at Accident	32-34-4	92	$4,336
Reckless Driving	99-1-41	91	$4,548
PUC Regulations	49-28-33	89	$6,779
Driving Off Roadway	99-1-29	84	$1,875
Avoid Traffic Signal	99-1-15	72	$1,753
Racing on Highway	32-25-26	71	$4,911
Restricted License	32-12-38	70	$1,731
Snowmobile License	32-20A-15	70	$2,097
Improper Stopping	32-30-1,2	69	$1,410
Muffler Violation	99-1-18	68	$974
Overwidth Vehicle	32-22-6	67	$5,531
Frost Law Speeding	32-25-7	66	$1,821
Out-of-State Plates	32-5-47	66	$1,351
Dangling Objects	32-15-6	56	$307
No Trailer License	32-5-97	55	$1,373
Stopping/Parking	32-30-2.4	54	$877
Unsafe Vehicle	32-21-27	53	$1,161
Cut or Worn Tires	32-19-13	52	$849
Unauthorized Driver	32-12-72	50	$1,173
Total of this List		128,164	$3,689,649
Other Class-Two Misdemeanor Traffic Violations		1,285	$42,315
State Total		129,449	$3,731,964

Table 20. Traffic Violation Summary

This table includes those violations for which fifty or more citations were filed during the year.